

**THE ONE HUNDRED AND THIRD DAY**

---

CARSON CITY (Friday), May 15, 2009

Assembly called to order at 1:13 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Claborn, who were excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. We ask that You bless us, our families, our homes, our friends, and all these folks who made this long journey from McGill today. And as long as we are asking, You might also consider a blessing for our horses, dogs, cats, and other such animals. We ask that You guide us through this day and the days ahead. Finally, we ask that You keep us and all who we cherish, safe and healthy, as we journey forward through this session of the Legislature. We ask these things in Whose Name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chairman*

*Madam Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chair*

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 74, 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

*Madam Speaker:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 302, 325, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 231, 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

*Madam Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 554; Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

*Madam Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which were referred Senate Bills Nos. 9, 27, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 251, 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chairman*

*Madam Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 548; Senate Bill No. 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 530, 550 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 227, 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

*Madam Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 401; Senate Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

### NOTICE OF EXEMPTION

May 14, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, and 560.

MARK STEVENS  
*Fiscal Analysis Division*

## SECOND READING AND AMENDMENT

Assembly Bill No. 401.

Bill read second time and ordered to third reading.

Assembly Bill No. 530.

Bill read second time.

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

Amendment No. 721.

SUMMARY—~~[Revises provisions governing]~~ **Provides for the reversion of certain money in** the Account for Programs for Innovation and the Prevention of Remediation ~~[ ]~~ **to the State General Fund.** (BDR ~~[34]~~ §-1218)

AN ACT relating to education; providing for the reversion of **certain** money in the Account for Programs for Innovation and the Prevention of Remediation to the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Account for Programs for Innovation and the Prevention of Remediation to provide grants of money to public schools and consortiums of public schools for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. (NRS 385.3785) Under existing law, any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year. (NRS 385.379) This bill provides that any money remaining in the Account that has not been committed for expenditure on or before June 30, ~~[of a fiscal year]~~ **2009,** reverts to the State General Fund ~~[ ]~~ **on or before September 18, 2009.**

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

Section 1. ~~[NRS 385.379 is hereby amended to read as follows:~~

~~385.379 1. The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2 or 3. The interest and income earned on the sum of:~~

~~(a) The money in the Account; and~~

~~(b) Unexpended appropriations made to the Account from the State General Fund;~~

~~1. must be credited to the Account. Any money remaining in the Account [at the end of a fiscal year does not revert] *which has not been committed for expenditure on or before June 30 of a fiscal year reverts* to the State General Fund . [, and the balance in the Account must be carried forward to the next fiscal year.]~~

~~2. Except as otherwise provided in NRS 385.3784 and subsection 3, the money in the Account may only be used for the allocation of money to public schools and consortiums of public schools whose applications are approved by the Commission pursuant to NRS 385.3785.~~

~~3. Upon the request of the Commission:~~

~~(a) Not more than \$50,000 in the Account may be used each biennium to pay:~~

~~(1) The expenses incurred by members of the Commission to travel to the public schools and consortiums of public schools that received allocations of money from the Account; and~~

~~(2) The costs incurred by the Commission to hold meetings or conferences for representatives of public schools and consortiums of *public* schools that received allocations of money from the Account to discuss or display, or both, programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.~~

~~(b) Not more than \$450,000 in the Account may be used each biennium to pay for an evaluation of the programs for which money was allocated from the Account. If the Commission uses money in the Account for such an evaluation, the Commission shall ensure that:~~

~~(1) A request for proposals is issued and a qualified, independent consultant is selected to conduct the evaluation;~~

~~(2) Upon selection of the consultant, the Commission receives approval of the consultant and the plan for the evaluation from the Committee;~~

~~(3) The evaluation is designed to determine the effectiveness of the programs for which money was allocated from the Account in improving the achievement of pupils;~~

~~(4) The evaluation includes an identification of the programs for which money was allocated from the Account that did not improve the achievement of pupils as described in the approved application for the grant;~~

~~(5) The evaluation includes an identification of the public schools and consortiums of public schools that did not implement the programs for which money was allocated from the Account as described in the approved application for the grant; and~~

~~(6) The evaluation includes a compilation and review of each evaluation required to be submitted by public schools and consortiums of public schools pursuant to NRS 385.3787.] (Deleted by amendment.)~~

Sec. 2. Notwithstanding the provisions of NRS 385.379 to the contrary, any money remaining in the Account for Programs for Innovation and the Prevention of Remediation created by that section which has not been committed for expenditure on or before June 30,

**2009, including any money which is received after June 30, 2009, and which is applicable to Fiscal Year 2009 must not be expended for any purpose after September 18, 2009, and must be reverted to the State General Fund on or before September 18, 2009.**

~~{Sec. 2}~~ **Sec. 3.** This act becomes effective upon passage and approval.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 548.

Bill read second time and ordered to third reading.

Assembly Bill No. 550.

Bill read second time.

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

Amendment No. 685.

AN ACT relating to state parks; requiring the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to establish a commercial wedding program at the Boulder Dam-Valley of Fire State Park; requiring the Administrator to impose and collect a fee for weddings held at the Park under the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to conduct and operate special services at state parks and impose and collect reasonable fees for the special services. (NRS 407.065) **Section 1** of this bill requires the Administrator to establish a commercial wedding program at the Boulder Dam-Valley of Fire State Park and to impose and collect a fee of \$150 for weddings that are held at the Park under the program. **Section 2 of this bill requires that fees collected in excess of amounts authorized for expenditure must be deposited in the Account for Maintenance of State Parks.**

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

Section 1. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue, upon application therefor and proof of residency and age, an annual permit for entering, camping and boating in all state parks and recreational areas in this State to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted. The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) ***Shall establish a commercial wedding program at the Boulder Dam-Valley of Fire State Park and impose and collect a fee of \$150 for weddings held at the Park under the program. Fees collected pursuant to this paragraph must be deposited in the State General Fund to the credit of the Division.***

(h) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e), ~~(f)~~ (f) and (g) of subsection 1 or subsection 2 must be deposited in the State General Fund.

**Sec. 2. NRS 407.0762 is hereby amended to read as follows:**

407.0762 1. The Account for Maintenance of State Parks within the Division of State Parks is hereby created in the State General Fund. Except as otherwise provided in NRS 407.0765, any amount of fees collected pursuant to paragraphs (d), (e), ~~(f)~~ (f) and (g) of subsection 1 or subsection 2 of NRS 407.065 in a calendar year, which is in excess of the amounts authorized for expenditure from that revenue source in the Division's budget for the fiscal year beginning in that calendar year, must be deposited in the Account. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

3. The money deposited in the Account pursuant to subsection 1 must only be used to repair and maintain state parks, monuments and recreational areas.

4. Before the Administrator may expend money pursuant to subsection 3:

(a) For emergency repairs and projects with a cost of less than \$25,000, he must first receive the approval of the Director.

(b) For projects with a cost of \$25,000 or more, other than emergency repairs, he must first receive the approval of the Director and of the Interim Finance Committee.

~~{Sec. 2}~~ **Sec. 3.** This act becomes effective on July 1, 2009.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 554.

Bill read second time and ordered to third reading.

Senate Bill No. 9.

Bill read second time and ordered to third reading.

Senate Bill No. 27.

Bill read second time and ordered to third reading.

Senate Bill No. 34.

Bill read second time and ordered to third reading.

Senate Bill No. 74.

Bill read second time and ordered to third reading.

Senate Bill No. 103.

Bill read second time and ordered to third reading.

Senate Bill No. 132.

Bill read second time and ordered to third reading.

Senate Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 657.

AN ACT relating to conduits; authorizing an entity that owns, operates or maintains a ditch to recover from certain persons the reasonable expense of any work performed by the entity that is necessary for the operation and maintenance of the ditch; providing for the imposition of a lien against any property to which water is delivered through the ditch; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Section 1** of this bill authorizes an entity that owns, operates or maintains a ditch to perform any work necessary for the maintenance and operation of the ditch and to recover the reasonable expense of that work from each person who , in accordance with a contract or a decreed, certified or permitted right to appropriate water, receives water through the ditch. If the work consists of a capital improvement that alters the fundamental character of the ditch, section 1 requires the entity to provide notice of the work at least 30 days before incurring any expenses for the work. Section 1 also specifies that any ~~such~~ work performed for the maintenance and operation of the ditch includes, without limitation, labor and any accounting, legal or other administrative service performed for ~~the~~ that maintenance and operation , ~~of the ditch.~~ **Section 2** of this bill provides for the imposition of a lien against any property to which water is delivered through the ditch if a person who receives water through the ditch fails to pay his proportionate share of the expense of maintenance or operation. **Section 3** of this bill provides that each person or entity constructing, operating or maintaining a ditch or flume has a right to the full flow of water through the ditch or flume, regardless of whether the water is for use by the person or entity or for delivery to others.



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

Section 1. NRS 536.040 is hereby amended to read as follows:

536.040 *1.* In all cases where ~~[ditches are]~~ **a ditch is** owned by two or more persons, and one or more of ~~[such]~~ **those** persons ~~[shall fail]~~ **fails** or ~~[neglect]~~ **neglects** to do a proportionate share of the work necessary for the ~~[proper]~~ maintenance and operation of ~~[such]~~ **the** ditch, ~~[or ditches,]~~ or to construct suitable headgates or other devices at the point where water is diverted from the main ditch, ~~[such]~~ **the** owner or owners desiring the performance of ~~[such]~~ **the** work may, after giving 10 days' written notice to ~~[such]~~ **the** other owner or owners who have failed to perform ~~[such]~~ **the** proportionate share of the work necessary for the operation and maintenance of ~~[such]~~ **the** ditch, ~~[or ditches,]~~ perform ~~[such]~~ **the** share of the work, and recover therefor from ~~[such]~~ **each** person ~~[or persons]~~ in default the reasonable expense of ~~[such]~~ **the** work. ***In all cases where a ditch is owned, operated or maintained by an entity, the entity may perform any work necessary for the maintenance and operation of the ditch and recover ~~[therefor]~~ from each person ~~[receiving]~~ who, in accordance with a contract or a decreed, certified or permitted right to appropriate water, receives water through the ditch his proportionate share of the reasonable expense of the work. Except during an emergency, the entity shall notify each of those persons at least 30 days before incurring any expenses to perform a capital improvement that alters the fundamental character of the ditch. If the entity is a supplier of water, any expenses incurred by the supplier of water for any work performed on an irrigation ditch pursuant to this section must be billed as part of the customer rates of the supplier of water for the delivery of water service through the ditch.***

*2.* As used in this section ~~[, "work"]~~:

*(a)* "Supplier of water" has the meaning ascribed to it in NRS 445A.845.

*(b)* "Work" includes, without limitation, labor and any accounting, legal or other administrative service performed for the maintenance and operation of a ditch specified in subsection 1.

Sec. 2. NRS 536.050 is hereby amended to read as follows:

536.050 Upon the failure of any co-owner ~~or person ~~[receiving]~~ who receives water through a ditch from an entity specified in NRS 536.040~~ to pay his proportionate share of such expense, as ~~[mentioned]~~ **specified** in ~~[NRS 536.040,] **that section,**~~ within 30 days after receiving a statement of the same as performed by his co-owner or co-owners ~~[, such]~~ **or by the entity owning, operating or maintaining the ditch, each** person or ~~[persons]~~ **entity** so performing ~~[such]~~ **the** labor **or other work** may secure payment of ~~[such]~~ **the** claim by filing an itemized and sworn statement thereof, setting forth the date of the performance and the nature of the labor **or other work** so performed, with the county clerk of the county wherein the ditch is situated, and when so filed it ~~[shall constitute]~~ **constitutes** a valid lien against the

interest of ~~[such]~~ **each** person ~~[or persons]~~ in default ~~[, which]~~ **and against any property to which water is delivered through the ditch. The** lien may be established and enforced in the same manner as provided by law for the enforcement of mechanics' liens.

Sec. 3. NRS 536.080 is hereby amended to read as follows:

536.080 ~~The~~ **Each** person or ~~persons~~ **entity** constructing, **operating** or maintaining a ditch or flume under the provisions of NRS 536.060 to 536.090, inclusive, ~~shall have~~ **has** the undisturbed right and privilege of flowing water through the same, to the full extent of its capacity, for mining, milling, manufacturing, agricultural and other domestic purposes, **whether for use by the person or entity or for delivery to others**, and to use the same at any necessary and convenient point or points along the line thereof, ~~;~~ but nothing contained in NRS 536.060 to 536.090, inclusive, shall be so construed as to interfere with any prior or existing claim or right.

Sec. 4. This act becomes effective on July 1, 2009.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 209.

Bill read second time and ordered to third reading.

Senate Bill No. 215.

Bill read second time and ordered to third reading.

Senate Bill No. 217.

Bill read second time and ordered to third reading.

Senate Bill No. 231.

Bill read second time.

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

Amendment No. 676.

AN ACT relating to food establishments; exempting a licensed child care facility from certain regulations applicable to a food establishment, regardless of whether the child care facility includes a kindergarten; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts licensed child care facilities from certain regulations adopted by the State Board of Health or a local board of health governing standards for the construction of a food establishment and the equipment required in a food establishment. (NRS 446.941) This bill provides that a licensed child care facility is exempt from such regulations, regardless of whether the child care facility includes a kindergarten.

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

Section 1. NRS 446.941 is hereby amended to read as follows:

446.941 1. Any regulation adopted by the State Board of Health or a local board of health pursuant to NRS 446.940 that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment ~~shall~~ **does** not apply to any child care facility that limits its menu to:

(a) Food that does not constitute a potential or actual hazard to the public health; and

(b) Potentially hazardous food that has been:

(1) Commercially prepared and precooked; or

(2) Pasteurized ~~[-]~~,

**↪ regardless of whether the child care facility includes a kindergarten.**

2. As used in this section ~~[-, "child"]~~ :

**(a) "Child care facility" includes:**

~~[(a)]~~ **(1) A child care facility licensed pursuant to chapter 432A of NRS;**

or

~~[(b)]~~ **(2) A child care facility licensed by a city or county.**

**(b) "Kindergarten" means a program of education for children who are 5 and 6 years of age which is:**

**(1) Licensed to operate as such pursuant to chapter 394 of NRS or which is exempt from licensure pursuant to NRS 394.211; and**

**(2) Located on the premises of a child care facility.**

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 238.

Bill read second time and ordered to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 744.

AN ACT relating to vehicles; specifying certain circumstances under which a tow car can display flashing amber warning lights; requiring the driver of a vehicle to take certain actions when he approaches a tow car which is stopped and making use of flashing amber warning lights; specifying the circumstances under which a vehicle operated by a licensed private patrolman or his employee may display flashing amber warning lights; providing fees for certain permits; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the operator of a tow car to equip the tow car with flashing amber warning lights pursuant to a permit issued by the Nevada

Highway Patrol. (NRS 484.579) **Section 1.5** of this bill authorizes the use of flashing amber warning lights on a tow car when the tow car is ~~stopped upon or adjacent to the highway~~ at the scene of a traffic hazard.

**Section 3** of this bill requires a driver, upon approaching a tow car which is stopped and is making use of flashing amber warning lights to: (1) decrease the speed of his vehicle; (2) proceed with caution; (3) be prepared to stop; and (4) if possible, drive in a lane that is not adjacent to the lane in which the tow car is stopped. (NRS 484.364)

**Section 4** of this bill authorizes a tow car operator who during daylight attends to a motor vehicle disabled on the highway to place a red flare, red lantern, warning light or reflector in close proximity to each warning sign which the operator is required to place upon the highway in the vicinity of the disabled motor vehicle. (NRS 484.499)

**Sections 2.5 and 5** of this bill authorize the Nevada Highway Patrol to issue a permit authorizing the display of flashing amber warning lights on a vehicle operated by a licensed private patrolman or his employee when the private patrolman or his employee who operates the vehicle is engaged in the business for which the private patrolman is licensed and the vehicle is: (1) on private property which the private patrolman is authorized to protect; (2) on a public road and stopped adjacent to private property which the private patrolman is authorized to protect; or (3) on a public road and moving at a speed slower than the normal flow of traffic. **Section 5** requires the Nevada Highway Patrol to charge and collect certain fees for the issuance of permits to display flashing amber warning lights on a vehicle, including a vehicle operated by a licensed private patrolman or his employee. (NRS 484.579)

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 2.5 of this act.

Sec. 1.5. *1. A tow car which is equipped with flashing amber warning lights pursuant to NRS 484.579 may display flashing amber warning lights to the front, sides or rear of the tow car when ~~stopped upon or adjacent to the highway~~ at the scene of a traffic hazard.*

*2. Any flashing amber warning light used pursuant to this section must comply with the standards approved by the Department.*

Sec. 2. (Deleted by amendment.)

Sec. 2.5. *A vehicle which is operated by a private patrolman licensed pursuant to chapter 648 of NRS or his employee and which is equipped with flashing amber warning lights pursuant to NRS 484.579 may display flashing amber warning lights to the front, sides or rear of the vehicle when:*

*1. The private patrolman or his employee who operates the vehicle is engaged in the business for which the private patrolman is licensed; and*

*2. The vehicle is:*

*(a) On private property which the private patrolman is authorized to protect;*

*(b) On a public road and stopped adjacent to private property which the private patrolman is authorized to protect; or*

*(c) On a public road and moving at a speed slower than the normal flow of traffic.*

Sec. 3. NRS 484.364 is hereby amended to read as follows:

484.364 1. Upon approaching an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484.787 ~~[ ]~~ *or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of section 1.5 of this act*, the driver of the approaching vehicle shall, in the absence of other direction given by a peace officer:

(a) Decrease the speed of his vehicle to a speed that is:

(1) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484.361; and

(2) Less than the posted speed limit, if a speed limit has been posted;

(b) Proceed with caution;

(c) Be prepared to stop; and

(d) If possible, drive in a lane that is not adjacent to the lane in which the emergency vehicle *or tow car* is stopped, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.

2. A person who violates subsection 1 is guilty of a misdemeanor.

Sec. 4. NRS 484.499 is hereby amended to read as follows:

484.499 Where a motor vehicle is disabled on the highway, ~~[during darkness.]~~ the tow car operator shall immediately upon arrival place warning signs upon the highway as prescribed in NRS 484.497 and :

1. *During darkness*, shall *if it is safe to do so*, place not less than one red flare, red lantern, warning light or reflector in close proximity to each warning sign.

2. *During daylight*, may place a red flare, red lantern, warning light or reflector in close proximity to each warning sign.

Sec. 5. NRS 484.579 is hereby amended to read as follows:

484.579 1. It is unlawful to operate or display a flashing amber warning light on a vehicle except when an unusual traffic hazard exists or as authorized in NRS 484.582 ~~[ ]~~ *or section 1.5 or 2.5 of this act*. This subsection does not prohibit the use of amber lights in electric signals for making turns.

2. It is unlawful for any person to mount flashing amber warning lights permanently on a vehicle without a permit from the Nevada Highway Patrol.

3. The Nevada Highway Patrol, upon written application, shall issue a permit to mount a flashing amber light on:

(a) Vehicles of public utilities.

(b) ~~[Trucks for towing vehicles.]~~ *Tow cars.*

(c) Vehicles engaged in activities which create a public hazard upon the streets or highways.

(d) Vehicles of coroners and their deputies.

(e) Vehicles of Civil Air Patrol rescue units.

(f) Vehicles of authorized sheriffs' jeep squadrons.

(g) Vehicles which escort funeral processions.

(h) Vehicles operated by vendors of food or beverages, as provided in NRS 484.582.

*(i) Vehicles operated by private patrolmen licensed pursuant to chapter 648 of NRS or their employees.*

4. Those permits expire on June 30 of each calendar year.

5. The Nevada Highway Patrol shall charge and collect the following fees for the issuance of a permit for the mounting of a flashing amber light:

(a) Permit for a single vehicle \$2

(b) Blanket permit for more than 5 but less than 15 vehicles 12

(c) Blanket permit for 15 vehicles or more 24

6. Subsections 1 and 2 do not apply to an agency of any state or political subdivision thereof, or to an agency of the Federal Government.

7. All fees collected by the Nevada Highway Patrol pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

Sec. 6. This act becomes effective on July 1, 2009.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 684.

AN ACT relating to city elections; amending the Charters of the Cities of Carlin and Wells to specify the dates for filing a declaration of candidacy to become a candidate in the general city election; amending the Charters of the Cities of Carlin and Wells to specify the appropriate appearance of names on an election ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charters of the Cities of Carlin and Wells provide that a Mayor and the Councilmen of the respective cities are elected at a general city election which occurs on the same day as the statewide general election.

**Sections 1 and 3** of this bill amend the Charters of the Cities of Carlin and Wells to specify that a person seeking to appear on the ballot at the general city election in one of those cities must file a declaration of candidacy with the City Clerk not ~~earlier than the first Monday in May of the year in which the election is to be held or later than 5 p.m. on the second Friday after the~~

~~first Monday in May. (NRS 293.177)]~~ **less than 90 days or more than 100 days before the day of the general city election.**

Sections 2 and 4 of this bill also amend the Charters of the Cities of Carlin and Wells to specify the appropriate appearance of names on an election ballot, including details on how the names of candidates with similar surnames are to appear.

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

Section 1. The Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 603, is hereby amended by adding thereto a new section to be designated as section 5.015, immediately following section 5.010, to read as follows:

*Sec. 5.015 Filing of declarations of candidacy.*

*1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~during the period set forth in subsection 1 of NRS 293.177.]~~ **not less than 90 days or more than 100 days before the day of the general election.** The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.*

*2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.*

Sec. 2. The Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 603, is hereby amended by adding thereto a new section to be designated as section 5.040, immediately following section 5.030, to read as follows:

*Sec. 5.040 Names on ballots.*

*1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be printed on the official ballots without party designation or symbol.*

*2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:*

*(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or*

*(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.*

Sec. 3. The Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 457, is hereby amended by adding thereto a new section to be designated as section 5.015, immediately following section 5.010, to read as follows:

*Sec. 5.015 Filing of declarations of candidacy.*

*1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~during the period set forth in subsection 1 of NRS 293.177~~ not less than 90 days or more than 100 days before the day of the general election. The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.*

*2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.*

Sec. 4. Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible ~~}] before the close of filing and any applicable period for withdrawal of candidacy,~~ must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 278.

Bill read second time.

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

Amendment No. 677.

SUMMARY—Requiring the Legislative Committee on Health Care to study certain issues concerning the provision of ~~public~~ health ~~}] care.~~ (BDR S-1061)

AN ACT relating to ~~health districts;}] health care; requiring the Legislative Committee on Health Care to study the establishment of a health district in a county whose population is less than 100,000; requiring the ~~Legislative~~ Committee ~~on Health Care~~ to study issues concerning the consolidation and integration of ~~public~~ health and social services in ~~a county whose population is 400,000 or more;}] certain larger counties; requiring the Committee to study the establishment of regional centers~~~~



for certain substance abuse treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Legislative Committee on Health Care to study: (1) the feasibility of establishing a health district in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties); ~~and~~ (2) the feasibility of consolidating or integrating certain ~~public~~ health and social services provided in a county whose population is 400,000 or more (currently Clark County) ~~;~~ **and (3) the feasibility of establishing regional centers for the provision of services for the prevention and treatment of alcohol and substance abuse.**

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

- Section 1. (Deleted by amendment.)
- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)
- Sec. 5. (Deleted by amendment.)
- Sec. 6. (Deleted by amendment.)
- Sec. 7. (Deleted by amendment.)
- Sec. 8. (Deleted by amendment.)
- Sec. 9. (Deleted by amendment.)
- Sec. 10. (Deleted by amendment.)
- Sec. 11. (Deleted by amendment.)
- Sec. 12. (Deleted by amendment.)
- Sec. 13. (Deleted by amendment.)
- Sec. 14. (Deleted by amendment.)
- Sec. 15. (Deleted by amendment.)
- Sec. 16. (Deleted by amendment.)
- Sec. 17. (Deleted by amendment.)
- Sec. 18. (Deleted by amendment.)
- Sec. 19. (Deleted by amendment.)
- Sec. 20. (Deleted by amendment.)
- Sec. 21. (Deleted by amendment.)
- Sec. 22. (Deleted by amendment.)
- Sec. 23. (Deleted by amendment.)
- Sec. 24. (Deleted by amendment.)
- Sec. 25. (Deleted by amendment.)
- Sec. 26. (Deleted by amendment.)
- Sec. 27. (Deleted by amendment.)
- Sec. 28. (Deleted by amendment.)
- Sec. 29. (Deleted by amendment.)
- Sec. 30. (Deleted by amendment.)

Sec. 31. 1. The Legislative Committee on Health Care shall, during the 2009-2011 interim, study:

(a) The feasibility of establishing a health district in counties whose populations are less than 100,000, including, without limitation:

(1) The establishment of a health district by a single county or by two or more adjacent counties;

(2) The impact on each county whose county board of health is abolished upon establishing such a health district;

(3) The composition and authority of such a health district; and

(4) The manner in which such a health district may be financed; ~~and~~

(b) The feasibility of consolidating or integrating certain ~~public~~ health and social services in counties whose populations are 400,000 or more, including, without limitation, the consolidation or integration of:

(1) Adoption services;

(2) ~~Alcohol and drug abuse prevention services;~~

~~(3)~~ Child abuse prevention services;

~~(4)~~ ~~(3)~~ Child welfare services;

~~(5)~~ ~~(4)~~ Delinquency prevention services;

~~(6)~~ ~~(5)~~ Determination of eligibility for public assistance;

~~(7)~~ ~~(6)~~ Employment and training services;

~~(8)~~ ~~(7)~~ Foster care services;

~~(9)~~ ~~(8)~~ Health services;

~~(10)~~ ~~(9)~~ Services and programs for medically indigent persons;

~~(11)~~ ~~(10)~~ Mental health services;

~~(12)~~ ~~(11)~~ Services provided to senior citizens; and

~~(13)~~ ~~(12)~~ Services provided to veterans; ~~and~~

**(c) The feasibility of establishing regional centers for the provision of services for the prevention and treatment of alcohol and substance abuse.**

2. The Legislative Committee on Health Care shall submit a report of the results of the study conducted pursuant to subsection 1 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature.

Sec. 32. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

Senate Bill No. 325.

Bill read second time and ordered to third reading.

Senate Bill No. 340.

Bill read second time and ordered to third reading.

Senate Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 663.

AN ACT relating to vehicles; authorizing a person other than an automobile wrecker, dealer of new or used motor vehicles or rebuilder to obtain an identifying card and bid to purchase a vehicle other than a nonrepairable vehicle from the operator of a salvage pool; imposing a fee for the issuance of such a card; prohibiting a person who obtains such a card from purchasing from ~~the operator of a salvage pool~~ **operators of salvage pools in this State** more than three vehicles in any calendar year; increasing the period within which an insurance company or its authorized agent must submit an application for a salvage title or nonrepairable vehicle certificate for a salvage vehicle; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that only a licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder may bid to purchase a vehicle from the operator of a salvage pool. (NRS 487.470) **Section 5** of this bill authorizes a person other than an automobile wrecker, dealer of new or used motor vehicles or rebuilder to bid to purchase a vehicle other than a nonrepairable vehicle from the operator of a salvage pool, but prohibits the person from **;(1) purchasing more than three such vehicles in any calendar year; (2) purchasing such vehicles for resale; (3) bidding to purchase a nonrepairable vehicle; or (4) assisting, soliciting or conspiring with another person to engage in any of those acts.** **Section 2.3** of this bill requires such a person, before he bids to purchase a salvage vehicle, to obtain an identifying card which must contain the person's name and signature, personal address, business name and address, if applicable, and picture. **Section 2.3** requires the Department of Motor Vehicles to charge a fee of \$50 for the issuance of each card. A card expires on December 31 of the year in which it is issued but may be renewed upon application and payment of a renewal fee of \$25. The fees collected by the Department from the issuance of the cards must be deposited with the State Treasurer for credit to the Motor Vehicle Fund. **Section 2.5 of this bill prohibits a person who is licensed or who is required to be licensed as an automobile wrecker, dealer of new or used motor vehicles or rebuilder from applying for or obtaining an identifying card described in section 2.3.** **Section 10** of this bill provides that any person who violates the provisions of **section 2.3 or 2.5** is guilty of a misdemeanor. (NRS 487.510)

**Section 11** of this bill increases from 60 to 180 days the period within which an insurance company or its authorized agent is required to submit an

application for a salvage title or nonrepairable vehicle certificate for a salvage vehicle to the Department of Motor Vehicles. (NRS 487.800)

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

Section 1. NRS 482.31776 is hereby amended to read as follows:

482.31776 1. A consignee of a vehicle shall, upon entering into a consignment contract or other form of agreement to sell a vehicle owned by another person:

(a) Open and maintain a separate trust account in a federally insured bank or savings and loan association that is located in this State, into which the consignee shall deposit all money received from a prospective buyer as a deposit, or as partial or full payment of the purchase price agreed upon, toward the purchase or transfer of interest in the vehicle. A consignee of a vehicle shall not:

(1) Commingle the money in the trust account with any other money that is not on deposit or otherwise maintained toward the purchase of the vehicle subject to the consignment contract or agreement; or

(2) Use any money in the trust account to pay his operational expenses for any purpose that is not related to the consignment contract or agreement.

(b) Obtain from the consignor, before receiving delivery of the vehicle, a signed and dated disclosure statement that is included in the consignment contract and provides in at least 10-point bold type or font:

IMPORTANT NOTICE TO VEHICLE OWNERS

State law (NRS 482.31776) requires that the operator of this business file a Uniform Commercial Code 1 (UCC1) form with the Office of the Secretary of State on your behalf to protect your interest in your vehicle. The form is required to protect your vehicle from forfeiture in the event that the operator of this business fails to meet his financial obligations to a third party holding a security interest in his inventory. The form must be filed by the operator of this business before he may take possession of your vehicle. If the form is not filed as required, YOU MAY LOSE YOUR VEHICLE THROUGH NO FAULT OF YOUR OWN. For a copy of the UCC1 form filed on your behalf or for more information, please contact:

The Office of the Secretary of State of Nevada  
Uniform Commercial Code Division  
(775) 684-5708

I understand and acknowledge the above disclosure.

.....  
Consignee Signature

.....  
Date

(c) Assist the consignor in completing, with respect to the consignor's purchase-money security interest in the vehicle, a ~~financial~~ **financing** statement of the type described in subsection 5 of NRS 104.9317 and shall file the ~~financial~~ **financing** statement with the Secretary of State on behalf of the consignor. If a consignee has previously granted to a third party a security interest with an after-acquired property clause in the consignee's inventory, the consignee additionally shall assist the consignor in sending an authenticated notification, as described in paragraph (b) of subsection 1 of NRS 104.9324, to each holder of a conflicting security interest. The consignee must not receive delivery of the vehicle until the consignee has:

(1) Filed the financing statement with the Secretary of State; and

(2) If applicable, assisted the consignor in sending an authenticated notification to each holder of a conflicting security interest.

2. Upon the sale or transfer of interest in the vehicle, the consignee shall forthwith:

(a) Satisfy or cause to be satisfied all outstanding security interests in the vehicle; and

(b) Satisfy the financial obligations due the consignor pursuant to the consignment contract.

3. Upon the receipt of money by delivery of cash, bank check or draft, or any other form of legal monetary exchange, or after any form of transfer of interest in a vehicle, the consignee shall notify the consignor that the money has been received or that a transfer of interest in the vehicle has occurred. Notification by the consignee to the consignor must be given in person or, in the absence of the consignor, by registered or certified mail addressed to the last address or residence of the consignor known to the consignee. The notification must be made within 3 business days after the date on which the money is received or the transfer of interest in the vehicle is made.

4. The provisions of this section do not apply to:

(a) An executor;

(b) An administrator;

(c) A sheriff;

(d) A salvage pool subject to the provisions of NRS 487.400 to 487.510, inclusive ~~and~~, **and sections 2.3, 2.5 and 2.7 of this act**; or

(e) Any other person who sells a vehicle pursuant to the powers or duties granted to or imposed on him by specific statute.

5. Notwithstanding any provision of NRS 482.423 to 482.4247, inclusive, to the contrary, a vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.423 to 482.4247, inclusive, by displaying a temporary placard to operate the vehicle unless the operation of the vehicle is authorized by the express written consent of the consignor.

6. A vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.320 by displaying a special plate unless the

operation of the vehicle is authorized by the express written consent of the consignor.

7. A consignee shall maintain a written log for each vehicle for which he has entered into a consignment contract. The written log must include:

- (a) The name and address, or place of residence, of the consignor;
- (b) A description of the vehicle consigned, including the year, make, model and serial or identification number of the vehicle;
- (c) The date on which the consignment contract is entered into;
- (d) The period that the vehicle is to be consigned;
- (e) The minimum agreed upon sales price for the vehicle;
- (f) The approximate amount of money due any lienholder or other person known to have an interest in the vehicle;
- (g) If the vehicle is sold, the date on which the vehicle is sold;
- (h) The date that the money due the consignor and the lienholder was paid;
- (i) The name and address of the federally insured bank or savings and loan association in which the consignee opened the trust account required pursuant to subsection 1; and
- (j) The signature of the consignor acknowledging that the terms of the consignment contract were fulfilled or terminated, as appropriate.

8. A person who:

(a) Appropriates, diverts or otherwise converts to his own use money in a trust account opened pursuant to paragraph (a) of subsection 1 or otherwise subject to a consignment contract or agreement is guilty of embezzlement and shall be punished in accordance with NRS 205.300. The court shall, in addition to any other penalty, order the person to pay restitution.

(b) Violates paragraphs (b) or (c) of subsection 1 is guilty of a misdemeanor. The court shall, in addition to any other penalty, order the person to pay restitution.

(c) Violates any other provision of this section is guilty of a misdemeanor.

Sec. 2. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.3, ~~2.5~~ and 2.7 of this act.

**Sec. 2.3. 1. An identifying card authorizing a person other than a licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder to bid to purchase a vehicle other than a nonrepairable vehicle from an operator of a salvage pool must contain the person's:**

- (a) Name and signature;**
- (b) Personal address;**
- (c) Business name, if applicable;**
- (d) Business address, if applicable; and**
- (e) Picture.**

**2. The Department shall charge a fee of \$50 for each identifying card issued in accordance with this section.**

**3. An identifying card issued in accordance with this section expires on December 31 of the year in which it is issued. The person must submit to**

*the Department an application for renewal accompanied by a renewal fee of \$25. The application must be made on a form provided by the Department and contain such information as the Department requires.*

*4. Fees collected by the Department pursuant to this section must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.*

*Sec. 2.5. A person who is licensed as or who is required to be licensed as an automobile wrecker, dealer of new or used motor vehicles or rebuilder shall not apply for or obtain an identifying card described in section 2.3 of this act.*

*Sec. 2.7. The Department shall adopt regulations to carry out the provisions of this section, NRS 487.400 to 487.510, inclusive, and ~~section~~ sections 2.3 and 2.5 of this act.*

Sec. 3. NRS 487.400 is hereby amended to read as follows:

487.400 As used in NRS 487.400 to 487.510, inclusive ~~[-]~~, ***and sections 2.3, 2.5 and 2.7 of this act:***

1. "Identifying card" means a card:

(a) Authorizing the holder to bid for the purchase of vehicles from the operator of a salvage pool; and

(b) Containing the information required by NRS 487.070 or 487.475 ~~[-]~~ ***or section 2.3 of this act.***

2. "Salvage pool" means a business which obtains motor vehicles from:

(a) Insurers and self-insurers for sale on consignment or as an agent for the insurer or self-insurer if the vehicles are acquired by the insurer or self-insurer as the result of a settlement for insurance; or

(b) Licensed vehicle dealers, rebuilders, lessors or wreckers for sale on consignment.

Sec. 4. NRS 487.420 is hereby amended to read as follows:

487.420 1. No applicant may be granted a license to operate a salvage pool until he has procured and filed with the Department a good and sufficient bond in the amount of \$50,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant conducts his business as an operator of a salvage pool without fraud or fraudulent representation, and without violation of the provisions of NRS 487.400 to 487.510, inclusive ~~[-]~~, ***and sections 2.3, 2.5 and 2.7 of this act.*** The Department may, by agreement with any operator of a salvage pool who has been licensed by the Department for 5 years or more, allow a reduction in the amount of his bond, if his business has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than \$5,000.

2. The bond may be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. The bond must provide that any person injured by the action of the operator of the salvage pool in violation of any of the provisions of NRS 487.400 to 487.510, inclusive, ***and sections 2.3, 2.5 and 2.7 of this act*** may apply to the Director for compensation from the bond. The Director, for good

cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

4. In lieu of a bond an operator of a salvage pool may deposit with the Department, under the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank, credit union or savings and loan association situated in Nevada, which must indicate an account of an amount equal to the amount of the bond which would otherwise be required by this section and that this amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by him to compensate a person injured by an action of the licensee, or released upon receipt of:

(a) A court order requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting the Director to release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

6. When a deposit is made pursuant to subsection 4, liability under the deposit is in the amount prescribed by the Department. If the amount of the deposit is reduced or there is an outstanding judgment of a court for which the licensee is liable under the deposit, the license is automatically suspended. The license must be reinstated if the licensee:

(a) Files an additional bond pursuant to subsection 1;

(b) Restores the deposit with the Department to the original amount required under this section; or

(c) Satisfies the outstanding judgment for which he is liable under the deposit.

7. A deposit made pursuant to subsection 4 may be refunded:

(a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or

(b) By order of court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.

8. Any money received by the Department pursuant to subsection 4 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 5. NRS 487.470 is hereby amended to read as follows:



487.470 1. ~~Only~~ ***Except as otherwise provided in subsection 4, only*** a licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder ***or a person who has been issued an identifying card described in section 2.3 of this act*** may bid to purchase a vehicle from an operator of a salvage pool, and the operator may only sell a vehicle to such a person. An operator shall not accept a bid from:

(a) An automobile wrecker until:

(1) He presents the card issued by the Department pursuant to NRS 487.070 or other identifying card; or

(2) If he is licensed or otherwise authorized to operate as an automobile wrecker in another state or foreign country, he presents evidence of that licensure or authorization and has registered with the operator pursuant to subsection 2; ~~for~~

(b) A dealer of new or used motor vehicles or a rebuilder until:

(1) He presents the card issued by the Department pursuant to NRS 487.475 or other identifying card; or

(2) If he is licensed or otherwise authorized to operate as a dealer of new or used motor vehicles or as a rebuilder in another state or foreign country, he presents evidence of that licensure or authorization and has registered with the operator pursuant to subsection 2 ~~};~~ ***or***

(c) ***A person who has been issued an identifying card described in section 2.3 of this act:***

(1) ***For a nonrepairable vehicle; or***

(2) ***For any other vehicle, until he presents the identifying card.***

2. Any automobile wrecker, dealer of new or used motor vehicles or rebuilder who is licensed or otherwise authorized to operate in another state or foreign country shall register with each operator of a salvage pool with whom he bids to purchase vehicles, by filing with the operator copies of his license or other form of authorization from the other state or country, and his driver's license, business license, certificate evidencing the filing of a bond, resale certificate and proof of social security or tax identification number, if such documentation is required for licensure in the other state or country. Each operator of a salvage pool shall keep such copies at his place of business and in a manner so that they are easily accessible and open to inspection by employees of the Department ~~{of Motor Vehicles}~~ and to officers of law enforcement agencies in this State.

3. ***Each person who has been issued an identifying card described in section 2.3 of this act shall register with each operator of a salvage pool with whom he bids to purchase vehicles by filing with the operator copies of his driver's license, business license, if applicable, and proof of social security or tax identification number. Each operator of a salvage pool shall keep such copies at his place of business and in a manner so that they are easily accessible and open to inspection by employees of the Department and to officers of law enforcement agencies in this State.***

4. A person who has been issued an identifying card described in section 2.3 of this act shall not:

- (a) ~~Purchase more than three vehicles in any calendar year from ~~an~~ operator of a salvage pool; or~~ purchase more than three vehicles in any calendar year from operators of salvage pools in this State;
- (b) Purchase any such vehicle for resale;
- (c) Bid on a nonrepairable vehicle ~~for~~; or
- (d) Assist, solicit or conspire with another person to commit any act prohibited by paragraph (a), (b) or (c).

Sec. 6. NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this State, he must have in his possession the certificate of title for a vehicle obtained pursuant to subsection 3 of NRS 487.800 or the salvage title for that vehicle. The Department shall not issue a certificate of registration or certificate of title for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the salvage title was issued, unless the Department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a salvage title to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder *or other person* who purchased the vehicle.

Sec. 7. NRS 487.490 is hereby amended to read as follows:

487.490 1. The Department may refuse to issue a license or may suspend, revoke or refuse to renew a license of an operator of a salvage pool upon determining that the operator:

- (a) Is not lawfully entitled to the license;
- (b) Has made, or knowingly or negligently permitted, any illegal use of that license;
- (c) Made a material misstatement in any application;
- (d) Willfully fails to comply with any provision of NRS 487.400 to 487.510, inclusive ~~and~~, and sections 2.3, 2.5 and 2.7 of this act;
- (e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation regarding a vehicle;
- (f) Fails to maintain any license or bond required by a political subdivision of this State;
- (g) Has been convicted of a felony;
- (h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter;
- (i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6; or
- (j) Displays evidence of unfitness for a license pursuant to NRS 487.165.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal to grant or renew or the suspension or revocation of a license, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. If an application for a license as an operator of a salvage pool is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

5. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of NRS 487.400 to 487.510, inclusive ~~and~~, **and sections 2.3, 2.5 and 2.7 of this act.**

6. Upon the receipt of any report or complaint that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a salvage pool, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.400 to 487.510, inclusive, **and sections 2.3, 2.5 and 2.7 of this act** or to determine the suitability of an applicant or a licensee for such licensure.

7. For the purposes of this section, the failure to adhere to the directives of the Department advising the licensee of his noncompliance with any provision of NRS 487.400 to 487.510, inclusive, **and sections 2.3, 2.5 and 2.7 of this act** or regulations of the Department, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 8. NRS 487.497 is hereby amended to read as follows:

487.497 1. A person licensed to issue identifying cards shall maintain a record of all fees collected and identifying cards issued.

2. The record must contain:

(a) The name and signature of the licensed automobile wrecker, vehicle dealer or rebuilder **or other person** from whom fees were collected, the amount of fees collected and the number of identifying cards issued or renewed.

(b) ~~The~~ **For each identifying card issued to an automobile wrecker, vehicle dealer or rebuilder, the** business name, address and license number under which the automobile wrecker, vehicle dealer or rebuilder is licensed by the Department.

(c) A photograph of the natural person to whom the identifying card was issued.

3. The record must be open to inspection during regular business hours by any peace officer or investigator of the Department.

4. Upon request of the Department, a person licensed to issue identifying cards shall allow the Department, or a person designated by the Department, to conduct an audit of his records.

5. The records of the licensee must be maintained at the licensed location.

Sec. 9. NRS 487.500 is hereby amended to read as follows:

487.500 Every licensed operator of a salvage pool shall maintain a record of all vehicles he sells. The record must contain the name and address of the person from whom the vehicle was purchased or acquired and the date of the acquisition or purchase, the name and address of the automobile wrecker, dealer of new or used motor vehicles, ~~or~~ *rebuilder or other person* to whom the vehicle was sold and the date of the sale, the registration number last assigned to the vehicle and a brief description of the vehicle, including, insofar as the information exists with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle. The record must be open to inspection during regular business hours by any peace officer or investigator of the Department.

Sec. 10. NRS 487.510 is hereby amended to read as follows:

487.510 Any person who violates any of the provisions of NRS 487.400 to 487.500, inclusive, *and sections 2.3, 2.5 and 2.7 of this act* is guilty of a misdemeanor.

Sec. 11. NRS 487.800 is hereby amended to read as follows:

487.800 1. When an insurance company acquires a motor vehicle as a result of a settlement in which the motor vehicle is determined to be a salvage vehicle, the owner of the motor vehicle who is relinquishing ownership of the motor vehicle shall endorse the certificate of title of the motor vehicle and forward the endorsed certificate of title to the insurance company within 30 days after accepting the settlement from the insurance company. The insurance company or its authorized agent shall forward the endorsed certificate of title, together with an application for a salvage title or nonrepairable vehicle certificate, to the state agency within ~~60~~ *180* days after receipt of the endorsed certificate of title.

2. If the owner of the motor vehicle who is relinquishing ownership does not provide the endorsed certificate of title to the insurance company within 30 days after accepting the settlement pursuant to subsection 1, the insurance company shall, within ~~60~~ *180* days after the expiration of that 30-day period, forward an application for a salvage title or nonrepairable vehicle certificate to the state agency. The state agency shall issue a salvage title or nonrepairable vehicle certificate to the insurance company for the vehicle upon receipt of:

(a) The application;

(b) A motor vehicle inspection certificate signed by a representative of the Department or, as one of the authorized agents of the Department, by a peace officer, dealer, rebuilder, automobile wrecker, operator of a salvage pool or garageman;

(c) Documentation that the insurance company has made at least two written attempts by certified mail, return receipt requested, or by use of a

delivery service with a tracking system, to obtain the endorsed certificate of title; and

(d) Proof satisfactory to the state agency that the certificate of title was required to be surrendered to the insurance company as part of the settlement.

3. Except as otherwise provided in subsections 1 and 2, before any ownership interest in a salvage vehicle, except a nonrepairable vehicle, may be transferred, the owner or other person to whom the motor vehicle is titled:

(a) If the person has possession of the certificate of title to the vehicle, shall forward the endorsed certificate of title, together with an application for salvage title to the state agency within 30 days after the vehicle becomes a salvage vehicle.

(b) If the person does not have possession of the certificate of title to the vehicle and the certificate of title is held by a lienholder, shall notify the lienholder within 10 days after the vehicle becomes a salvage vehicle that the vehicle has become a salvage vehicle. The lienholder shall, within 30 days after receiving such notice, forward the certificate of title, together with an application for salvage title, to the state agency.

4. An insurance company or its authorized agent may sell a vehicle for which a total loss settlement has been made with the properly endorsed certificate of title if the total loss settlement resulted from the theft of the vehicle and the vehicle, when recovered, was not a salvage vehicle.

5. An owner who has determined that a vehicle is a total loss salvage vehicle may sell the vehicle with the properly endorsed certificate of title obtained pursuant to this section, without making any repairs to the vehicle, to a salvage pool, automobile auction, rebuilder, automobile wrecker or a new or used motor vehicle dealer.

6. Except with respect to a nonrepairable vehicle, if a salvage vehicle is rebuilt and restored to operation, the vehicle may not be licensed for operation, displayed or offered for sale, or the ownership thereof transferred, until there is submitted to the state agency with the prescribed salvage title, an appropriate application, other documents, including, without limitation, an affidavit from the state agency attesting to the inspection and verification of the vehicle identification number and the identification numbers, if any, for parts used to repair the motor vehicle and fees required, together with a certificate of inspection completed pursuant to NRS 487.860.

7. Except with respect to a nonrepairable vehicle, if a total loss insurance settlement between an insurance company and any person results in the retention of the salvage vehicle by that person, before the execution of the total loss settlement, the insurance company or its authorized agent shall:

(a) Obtain, upon an application for salvage title, the signature of the person who is retaining the salvage vehicle;

(b) Append to the application for salvage title the certificate of title to the motor vehicle or an affidavit stating that the original certificate of title has been lost; and

(c) Apply to the state agency for a salvage title on behalf of the person who is retaining the salvage vehicle.

8. If the state agency determines that a salvage vehicle retained pursuant to subsection 6 is titled in another state or territory of the United States, the state agency shall notify the appropriate authority of that state or territory that the owner has retained the salvage vehicle.

9. A person who retains a salvage vehicle pursuant to subsection 7 may not transfer any ownership interest in the vehicle unless he has received a salvage title.

**Sec. 12. 1. This section and section 11 of this act become effective upon passage and approval.**

**2. Sections 1 to 10, inclusive, of this act become effective:**

**(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and**

**(b) On January 1, 2010, for all other purposes.**

Assemblyman Manendo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

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

Motion carried.

Assembly in recess at 1:35 p.m.

#### ASSEMBLY IN SESSION

At 2:03 p.m.

Madam Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 227 and 246 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bills Nos. 201, 207, and 283 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 194 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblymen Atkinson, Gustavson, Goicoechea, Anderson, and Kirkpatrick.

Assemblyman Gustavson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ATKINSON:

Thank you, Madam Speaker. Senate Bill 201 authorizes the Washoe County Board of County Commissioners to impose additional county taxes on motor vehicle fees and various special fuels used in motor vehicles. The taxes will cause an annual increase in the current amount of taxes imposed on such fuels based upon increases in the Product Price Index for highway and street construction, which is published by the United States Department of Labor and measures inflation in the cost of such construction. The bill is effective upon passage and approval. I urge your support.

ASSEMBLYMAN GUSTAVSON:

Thank you, Madam Speaker. I rise in opposition to S.B. 201. The language in the bill itself—the ballot question was very vague and misleading. There was nowhere in that language on the ballot question itself that mentioned the word “taxes.” For many reasons, I do oppose this bill. Number one: Why are taxpayers being asked to pay more now? During 2007 portions of property taxes paid by the citizens of Washoe County were shifted to the Highway Fund to pay for more construction projects. Washoe County fuel taxes were increased due to indexing during 2003 to build and maintain roads. The RTC Board approved a 50 percent increase in the fees paid by new development during 2007. The RTC Board approved a 130 percent increase in developer fees in 2008. Nevadans already pay some of the highest fuel taxes in the nation. These taxes, fees, and spending are going up faster than the roads. This is in addition to the millions of dollars in federal stimulus money that is currently being printed up in Washington D.C. to build roads in Washoe County. If S.B. 201 passes, current revenues will disappear when truckers pass right through Washoe County and buy their fuel elsewhere. I know, as being a truck driver for many years, I would buy fuel where I could pay less money. When you fill up a truck full of diesel fuel, you are talking about up to 500 gallons, and this adds up very quickly. For these reasons I oppose S.B. 201.

ASSEMBLYMAN GOICOECHEA:

Thank you, Madam Speaker. I rise in support of this bill. It is enabling legislation only. It allows the board of county commissioners to impose the tax increase if they want to, and the voters in my portion of Washoe County did approve the measure.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. I think my colleague from eastern Nevada clearly articulated the primary point that the voters of Washoe County did, after much debate and public disclosure, vote in support of this issue. I appreciate the fact that we do pay an inordinately high tax on fuels in the State of Nevada. However, the reality is that there is a great need because of dedicated dollars in a very dramatically growing county. This is an important measure and approved by the voters. I believe that this bill should be strongly supported, in support of the voters in Washoe County.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Madam Speaker. I rise in support of S.B. 201. I think as a Clark County person, I have to look and count on my colleagues from Washoe County. These are their constituents and their businesses, and I think, being from Clark County, that we should absolutely support our folks from Washoe County. I urge your support.

Conflict of interest declared by Assemblyman Cobb.

Roll call on Senate Bill No. 201:

YEAS—34.

NAYS—Goedhart, Gustavson, Hambrick, McArthur, Settlemeyer—5.

NOT VOTING—Cobb.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 201 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblyman Cobb.

Assemblyman Cobb requested that his remarks be entered in the Journal.

Thank you, Madam Speaker. I want to put some remarks on the record concerning S.B. 207.

In my opinion, Nevada is a state that has always honored personal freedom, and this bill affirms that Nevada not only has this reputation but now has the laws to confirm this. The kind of discrimination prohibited by S.B. 207 hurts tourism and hurts our economy. Senate Bill 207 ensures that the visitors and citizens of Nevada experience an open and welcome environment where everyone is able to enjoy the personal freedoms that this state has always valued. Nevada markets itself as a tourist destination and invites everyone to come and enjoy what Nevada has to offer. Through passage of S.B. 207, we affirm that everyone can expect to take advantage of our state without fear of discrimination. I urge its passage.

Roll call on Senate Bill No. 207:

YEAS—37.

NAYS—Christensen, Gustavson, Hardy—3.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 207 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Remarks by Assemblymen Segerblom, Cobb, Spiegel, Settlemeyer, and Leslie.

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SEGERBLOM:

Thank you, Madam Speaker. Senate Bill 283 provides for the registration and dissolution of domestic partnerships. The bill states that a domestic partnership is not a marriage for purposes of the *Nevada Constitution*. It also provides that public and private employers are not required to provide health care benefits to a domestic partner of an officer or employee, but those employers are not precluded from offering such benefits. Each of you has on your desks a legal opinion from LCB which states this is not a marriage. I know you see a lot of emails to that effect, but this is not a marriage. This does not impact marriage. You also need to know that both major newspapers in the State of Nevada have endorsed this bill, both the *Las Vegas Review Journal* and the *Reno Gazette-Journal*. It is very timely and needed legislation. Finally, I want to point out that this is not just a gay rights issue; this is a human rights issue. This deals with any relationship in the State of Nevada. Our problem in this country is not the fact that we have too many marriages or too many committed relationships, it's that we do not have enough. Anything that this body can do to encourage relationships, to foster them, and to strengthen



them, I believe, is very important. So for that I urge you all to support Senate Bill 283. Thank you.

ASSEMBLYMAN COBB:

Thank you, Madam Speaker. I rise in opposition to Senate Bill 283. I agree with my colleague from the south in that the language of this bill does not directly conflict with the constitutional provision that was put in place in 2002 by the voters. But I do believe it directly conflicts with the intent and the will of the people from that 2002 passage. The reason I feel this is that this bill assigns the same privileges, rights, and responsibilities that our society has given to marriages—as defined by the will of the voters as that being between a man and a woman—to other relationships. These don't just include some of the issues that we all can agree upon, like end-of-life decisions, rights of inheritance, which you can contract for right now privately, but also certain privileges such as the spousal privilege exemption from the evidentiary rules, exemption from the real estate transfer tax, and things like that. Again, as a society, we have said these things will only be reserved for those who are in a solemnized marriage. I think this goes beyond just the concept of allowing people to privately contract, which I believe is already in the law and can already be handled. I do not think that we should go against the will of the voters—especially the intent of the will of the voters in 2002—and enact this legislation.

ASSEMBLYWOMAN SPIEGEL:

Thank you, Madam Speaker. I would like to rise in support of Senate Bill 283 and just let everyone know that this bill is not something that is limited to the gay community. I have two very personal stories that I would like to share with you. Some of you have heard these stories already.

A number of years ago before my husband Bill was my husband, there was another man in my life named Elliott, and Elliot passed away the day before his fortieth birthday. I came home from work that night and I found him. When I called the police, they came over to the house. It was obvious that I lived there, with my clothes all over the place. I had the key to the house. I had the alarm code. You know, it was quite obvious that I lived there. The police said to me that because we weren't married, I didn't have any rights and that I should get my toothbrush and leave out food and water for the cats, because they were going to have to padlock the house. I was thrown out of the house the very night he passed away. My nearest family was 40 miles away. His nearest family was 60 miles away. And it was just because I had no rights in the relationship.

Years later, when I met Bill and we were engaged and we were planning our wedding, I got a notice from my landlord that said that my rent was going to go up by \$1,000 a month. You would think that the logical thing would have been to have moved in with Bill. Of course, I was a little hesitant because of my prior experience, but aside from that, there was also in a clause in Bill's lease that said that he couldn't have a nonmarried partner move into his apartment without the express written permission of the landlord. We knew that the landlord wouldn't give permission and that by my moving in—just moving in with a person who I loved, who I was planning on spending the rest of my life with—that we could get evicted for no other reason than for just moving in together. But that apartment was in Santa Monica and Santa Monica, California, had a domestic partnership ordinance. So we went down and filed paperwork—an affidavit of domestic partnership. That allowed me the right to move in, knowing that we couldn't get evicted for my moving in and that, God forbid, if something should happen to Bill, I wouldn't have been thrown out into the street once again.

This bill is for the rights of every Nevadan, whether you are a senior who is looking to live with someone, whether you are a young single person, or whether you are same sex or different sex—it doesn't matter. This is for all Nevadans. I urge your support.

ASSEMBLYMAN SETTELMAYER:

I appreciate the comments of my colleague from Assembly District 9 about the legal opinion. In my opinion, though, this is so substantially similar to what our voters voted on in 2000 and 2002 that I think this bill should have been sent back to the people to allow them to vote on something that is so similar. I urge you to vote no on this bill. Thank you.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. I rise in support of Senate Bill 283. I represent an older section of Reno, which is in old southwest Reno, for those of you from the north and from the south. It is affectionately known in the gay community as the “gayborhood,” because it is full of gay and lesbian couples, and straight couples, too, and every other kind of family you might imagine. It is a neighborhood of wide streets, and houses with porches, where people know their neighbors’ dogs and they know their neighbors’ children. People talk all the time. And I think of the street that I live on and the gay couples that live on that street and the topic of conversation that we’ve had in the past few months over this bill, in the dog park and in the bars and restaurants in our neighborhood. I know that a yes vote is right for my constituents. It is also a very personal bill, for me.

Two of my very best friends are a gay couple who live in my district. They own a home, but they have no rights. They could hire a lawyer, but why should they have to hire a lawyer? Why should they? Why can’t they have the rights that the rest of us have—to have somebody there at the end of their life making decisions, visiting them in the hospital, inheriting assets, planning a funeral? One of them is the father of my daughter. So this is a very important bill for my family, and I know a yes vote is the right vote for them.

Finally, I see this bill a little differently. I see it as a bill in the great tradition of Nevada libertarianism. I am not a libertarian in most ways, but I do share the Nevada libertarian spirit of live and let live. I have always thought that should be our state’s motto. Instead of “Battle Born,” it should be “Live and Let Live.” Nevadans do not want government interfering in their personal lives. Since when do we want government deciding where we live, who we live with, and who we should love? Have we ever wanted that? So why would we stand in the way of others’ rights to do that? These are intensely personal decisions. This is personal freedom. These are our decisions, and government should stay out of it. No one is asking you to change your personal beliefs today. No one. All we are asking is that you think very clearly and carefully about standing in the way of the personal freedom of any other Nevadan, to let them live their life as they want to. I urge your support. Thank you.

Roll call on Senate Bill No. 283:

YEAS—26.

NAYS—Christensen, Cobb, Denis, Gansert, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Kirkpatrick, McArthur, Settlemeyer, Stewart, Woodbury—14.

EXCUSED—Carpenter, Claborn—2.

Senate Bill No. 283 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

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

Amendment No. 671.

AN ACT relating to public welfare; ~~requiring~~ **providing for the** licensure of certain foster care agencies that provide services relating to the placement of children in foster care; requiring licensure of specialized foster homes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

**Sections 4-7** of this bill ~~require persons who wish to~~ **provide for** licensing of persons who operate a foster care agency that assists an agency which provides child welfare services in placing or arranging for the

placement of children in foster care. ~~[to obtain a license from the Division of Child and Family Services of the Department of Health and Human Services.]~~ **Section 4 requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations regarding the placement of children in foster care, including, without limitation, regulations establishing the minimum standards for foster care agencies and regarding the issuance and renewal of a license to operate a foster care agency. Section 5 authorizes a licensing authority, which is an agency which provides child welfare services, to license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division. If a licensing authority licenses foster care agencies, then all foster care agencies within the jurisdiction of the licensing authority will be required to obtain a license. Section 5 further authorizes a licensing authority to impose a fee for the licensing and renewal of a license to operate a foster care agency up to a specific amount that must not exceed the actual cost incurred by the authority for providing or renewing the license. Section 6 provides that a license to operate a foster care agency is valid for 2 years. Section 7.5 of this bill authorizes an agency which provides child welfare services to determine the services that a foster care agency may provide on behalf of the agency which provides child welfare services. Section 18 of this bill requires the Division to adopt the necessary regulations on or before July 1, 2010.**

Existing law requires persons who operate a family foster home or group foster home to obtain a license from the appropriate licensing authority. (Chapter 424 of NRS) The Division of Child and Family Services has adopted regulations for family and group foster homes pursuant to this chapter and has also adopted similar standards for treatment homes, which are a specialized type of foster home. (NAC 424.075, 424.650-424.705) **Section 3** of this bill defines what constitutes a “specialized foster home” and **sections 8-14** of this bill set forth in statute the requirement that persons who operate a specialized foster home obtain a license from the appropriate licensing authority. (NRS 424.010, 424.014, 424.020, 424.030, 424.0365, 424.040, 424.085) **Section 19 of this bill makes the licensing provisions included in this bill effective on January 1, 2011, so that a license to operate a foster care agency and a license to operate a specialized foster home may not be required before that date.**

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~7~~ **7.5**, inclusive, of this act.

Sec. 2. *”Foster care agency” means a nonprofit corporation, for-profit corporation or sole proprietorship ~~[which is licensed by the Division,] that~~*

*assists an agency which provides child welfare services in the placement of children in foster care* ~~\_, including, without limitation, providing:~~

- ~~1. Screening, recruiting and training of persons to provide family foster care, specialized foster care and group foster care;~~
- ~~2. Case management services;~~
- ~~3. Referral services;~~
- ~~4. Supportive services for persons providing foster care to meet the needs of children in foster care;~~
- ~~5. Coordination of case plans and treatment plans; and~~
- ~~6. Services, or facilitating the provision of such services, to children placed in foster care.†~~

Sec. 3. *"Specialized foster home" means a family home which provides full-time care and services for one to six children who:*

- 1. Require special care for physical, mental or emotional issues;*
- 2. Are under 21 years of age;*
- 3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home;*
- 4. Are received, cared for and maintained for compensation; and*
- 5. Are in the custody of and placed in the home by an agency which provides child welfare services.*

Sec. 4. *The Division shall:*

- 1. Establish reasonable minimum standards for foster care agencies.*
- 2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:*
  - (a) Regulations concerning the operation of a foster care agency, including, without limitation, a foster care agency which provides family foster care, specialized foster care or group foster care for children placed by an agency which provides child welfare services.*
  - (b) Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.*
  - (c) Regulations regarding the issuance and renewal of a license to operate a foster care agency.*

*(d) Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.*

~~† 3. Prescribe a reasonable fee for the issuance of a provisional license and for the issuance and renewal of a license to operate a foster care agency.†~~

Sec. 5. *1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to section 4 of this act.*

*2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care*

agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care ~~without obtaining~~ until the foster care agency has obtained a license pursuant to section 6 of this act. ~~This subsection applies to agents, servants, physicians and attorneys of the parents or guardians of a child.~~

~~2.~~ 3. This section does not prohibit a parent or guardian from placing or arranging the placement of, or assisting in placing or arranging the placement of, his child in foster care.

4. A licensing authority that licenses foster care agencies pursuant to this section may charge a fee of not more than \$150 for the issuance of a provisional license, not more than \$300 for the issuance of a license and not more than \$150 for the renewal of a license. Any fee so charged must not exceed the actual cost incurred by the authority for providing or renewing the license.

Sec. 6. 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division ~~and~~ and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the ~~Division~~ licensing authority that the applicant will conform to the standards established and the regulations adopted by the Division pursuant to section 4 of this act.

3. Upon application for renewal, the ~~Division~~ licensing authority may renew a license if the ~~Division~~ licensing authority determines that the licensee conforms to the standards established and the regulations adopted by the Division pursuant to section 4 of this act.

4. ~~The Division~~ A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to section 4 of this act.

Sec. 7. 1. After notice and hearing, ~~the Division~~ a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the ~~Division~~ licensing authority determines that the applicant does not meet the standards established and comply with the regulations adopted by the Division pursuant to section 4 of this act.

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the ~~Division~~ licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license or provisional license if the ~~Division~~ licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to section 4 of this act.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of ~~the Division~~ a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 7.5. A licensed foster care agency may provide such assistance to an agency which provides child welfare services as authorized by the agency which provides child welfare services. Such services may include, without limitation:

1. Screening, recruiting, licensing and training of persons to provide family foster care, specialized foster care and group foster care;

2. Case management services;

3. Referral services;

4. Supportive services for persons providing foster care to meet the needs of children in foster care;

5. Coordination of case plans and treatment plans; and

6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 8. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.017, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 424.014 is hereby amended to read as follows:

424.014 "Foster home" includes a family foster home, **specialized foster home** and group foster home.

Sec. 10. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

(a) Establish procedures and requirements for the licensure of family foster homes, **specialized foster homes** and group foster homes; and

(b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

(a) Establish reasonable minimum standards for family foster homes, **specialized foster homes** and group foster homes.

(b) Prescribe rules for the regulation of family foster homes, **specialized foster homes** and group foster homes.

3. All family foster homes, **specialized foster homes** and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 11. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, **a specialized foster home** or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home , *a specialized foster home* or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home , *specialized foster home* or group foster home that conforms to the established standards of care and prescribed rules must receive a regular license from the licensing authority, which ~~must~~ *may* be in force for ~~1 year~~ *2 years* after the date of issuance. On reconsideration of the standards maintained, the license may be renewed ~~annually~~ *upon expiration*.

4. If a family foster home , *a specialized foster home* or *a* group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home , *specialized foster home* or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. The license must show:

- (a) The name of the persons licensed to conduct the family foster home , *specialized foster home* or group foster home.
- (b) The exact location of the family foster home , *specialized foster home* or group foster home.
- (c) The number of children that may be received and cared for at one time.
- (d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home , *specialized foster home* or group foster home is licensed to provide care.

6. No family foster home , *specialized foster home* or group foster home may receive for care more children than are specified in the license.

7. In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of provisional and special licenses.

Sec. 12. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a *specialized foster home or a* group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the home;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and

(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 13. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, *specialized foster home* and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 14. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, *a specialized foster home* or a group foster home is not liable for any act of a child in his foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 15. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Plan, coordinate and monitor the delivery of child welfare services provided throughout the State.

3. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

4. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

5. Involve communities in the improvement of child welfare services.

6. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not complying with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.

7. If an agency which provides child welfare services fails to take corrective action required pursuant to subsection 6 within a reasonable



period, take one or more of the following actions against the agency which provides child welfare services:

(a) Withhold money from the agency which provides child welfare services;

(b) Impose an administrative fine against the agency which provides child welfare services;

(c) Provide the agency which provides child welfare services with direct supervision and recover the cost and expenses incurred by the Division in providing such supervision; and

(d) Require the agency which provides child welfare services to determine whether it is necessary to impose disciplinary action that is consistent with the personnel rules of the agency which provides child welfare services against an employee who substantially contributes to the noncompliance of the agency which provides child welfare services with the federal or state laws, regulations adopted pursuant to such laws or statewide plans or policies, including, without limitation, suspension of the employee without pay, if appropriate.

↪ The Division shall adopt regulations to carry out the provisions of this subsection, including, without limitation, regulations which prescribe the circumstances under which action must be taken against an agency which provides child welfare services for failure to take corrective action and which specify that any such action by the Division must not impede the provision of child welfare services.

8. In consultation with each agency which provides child welfare services, request sufficient money for the provision of child welfare services throughout this State.

9. Deposit any money received from the administrative fines imposed pursuant to this section with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection. The money in the account may only be used by the Division to improve the provision of child welfare services in this State, including, without limitation:

(a) To pay the costs associated with providing training and technical assistance and conducting quality improvement activities for an agency which provides child welfare services to assist the agency in any area in which the agency has failed to take corrective action; and

(b) Hiring a qualified consultant to conduct such training, technical assistance and quality improvement activities.

10. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of family foster care as defined in NRS 424.017; ~~and~~

(b) *Each foster care agency licensed pursuant to sections 4 to ~~7~~ 7.5, inclusive, of this act in screening, recruiting, licensing and training providers of family foster care as defined in NRS 424.017; and*

(c) A nonprofit or community-based organization in recruiting and training providers of family foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 16. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a family foster home, *a specialized foster home* or a group foster home is liable pursuant to subsection 1 for a child in his foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 17. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

- (a) The prevention of fire.
- (b) The storage and use of:

- (1) Combustibles, flammables and fireworks; and

- (2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↳ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter does not extend to a school district except as

otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes, *specialized foster homes* and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as he deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 400,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Sec. 18. The Division of Child and Family Services of the Department of Health and Human Services shall, on or before July 1, 2010, adopt the regulations required pursuant to section 4 of this act, prescribe the form for an application for a license to operate a foster care agency pursuant to section 6 of this act and adopt regulations required pursuant to NRS 424.020, as amended by section 10 of this act.

Sec. 19. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2011, for all other purposes.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 246.

Bill read third time.

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

Amendment No. 670.

SUMMARY—~~Provides for the issuance of an apprentice hunting license.~~  
Makes various changes relating to hunting. (BDR 45-512)

AN ACT relating to wildlife; providing for the issuance of an apprentice hunting license; prohibiting an apprentice hunter from hunting in this State unless he is accompanied and directly supervised by a mentor hunter; providing an exception from requirements concerning the completion of a course in the responsibilities of hunters; requiring the Board of Wildlife Commissioners to establish a program for the issuance of additional big game tags to be known as "Dream Tags"; authorizing the Board to establish an additional kind of drawing for the existing allotment of big game tags and wild turkey tags; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Wildlife to issue licenses to hunt and fish in Nevada. (Chapter 502 of NRS) ~~Section 3~~ Section 3 of this bill provides for the issuance of an apprentice hunting license to a person who: (1) is 12 years of age or older; (2) has not previously been issued a hunting license in this State, another state or a Canadian province; and (3) except for the requirement of completing a course of instruction in the responsibilities of hunters, is otherwise qualified to obtain a hunting license. ~~Section 3~~ Section 3 prohibits the Department from imposing a fee for the issuance of an

apprentice hunting license but requires the applicant or mentor hunter to pay any service fees required by a license agent pursuant to NRS 502.040, the habitat conservation fee required by NRS 502.242 and any transaction fee if he conducts an online transaction with the Department. ~~Section 11~~ **Section 3** also provides that it is unlawful for an apprentice hunter to hunt in this State unless he is accompanied and directly supervised by a mentor hunter who is 18 years of age or older and licensed to hunt in this State. A violation of this provision is a misdemeanor. (NRS 501.385) In addition, ~~section 11~~ **Section 3** provides that the mentor hunter must: (1) ensure that the apprentice hunter safely handles and operates his firearm or weapon and complies with all applicable laws and regulations regarding hunting and the use of firearms; and (2) maintain close visual and verbal contact with, provide adequate direction to and maintain the ability readily to assume control of any firearm or weapon from the apprentice hunter.

Existing law requires a person to complete a course of instruction in the responsibilities of hunters before obtaining a hunting license in this State. (NRS 502.330) ~~Section 11~~ **Sections 3 and 11** of this bill ~~provides~~ **provide** an exception from this requirement for a person who applies for an apprentice hunting license.

Under existing law, the Board of Wildlife Commissioners is authorized to provide for the issuance of big game tags for the hunting of big game mammals in this State. (Chapter 502 of NRS) Section 4 of this bill requires the Commission to establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." A tax-exempt nonprofit organization established through the Community Foundation of Western Nevada which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission at prices established by the Commission. The nonprofit organization must agree to award the tags by raffle through a private entity acting as its agent that is approved by the Department. All money received by the Department for Dream Tags must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less certain costs, must be used for the preservation, protection, management or restoration of wildlife and its habitat, as determined by the Advisory Board on Dream Tags which is created by section 6 of this bill. Section 5 of this bill requires that a person must purchase a resource enhancement stamp to be eligible to participate in the Dream Tag raffle.

Section 7 of this bill provides that the provisions of chapter 462 of NRS, which provides for the administration of charitable lotteries by the State Gaming Control Board and the Nevada Gaming Commission, do not apply to the distribution of any tags issued pursuant to chapter 502

of NRS, regardless of the manner in which the tags are distributed or the entity that distributes the tags.

Existing law authorizes the Board of Wildlife Commissioners to accept sealed bids for or auction not more than 15 big game tags and not more than 5 wild turkey tags each year. (NRS 502.250) Section 10 of this bill authorizes the Commission to award all or a portion of those tags through a Silver State Tag Drawing. Section 10 provides that the amount of the fee for processing an application for a Silver State Tag must not be less than \$15 or more than \$50, as determined by regulations adopted by the Commission. Section 10 also provides that any money received from the application fee for the drawing, except for a certain amount of money for the costs of administering the drawing and the return of fees, must be deposited into the Wildlife Heritage Trust Account in the State General Fund.

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

**Section 1. NRS 501.3575 is hereby amended to read as follows:**

501.3575 1. The Wildlife Heritage Trust Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; and

(b) The management and control of predatory wildlife in this State.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or partnership in wildlife drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Trust Account,

↪ must be deposited with the State Treasurer for credit to the Account.

3. The interest and income earned on the money in the Wildlife Heritage Trust Account, after deducting any applicable charges, must be credited to the Account.

4. The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year. The Commission shall review and approve expenditures from the Account. No money may be expended from the Account without the prior approval of the Commission.

5. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

~~[Section 1.]~~ *Sec. 2.* Chapter 502 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 3 to 7, inclusive, of this act.

*Sec. 3. 1. The Department shall issue an apprentice hunting license to a person who:*

- (a) Is 12 years of age or older;*
- (b) Has not previously been issued a hunting license by the Department, another state or an agency of a Canadian province, including, without limitation, an apprentice hunting license; and*
- (c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.*

*2. Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:*

- (a) Any service fee required by a license agent pursuant to NRS 502.040;*
- (b) The habitat conservation fee required by NRS 502.242; and*
- (c) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department.*

*3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.*

*4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:*

- (a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and*
- (b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.*

*5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.*

*6. The issuance of an apprentice hunting license does not:*

- (a) Authorize the apprentice hunter to obtain any other hunting license;*
- (b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or*
- (c) Exempt the apprentice hunter from any requirement of this title.*

*7. The Commission may adopt regulations to carry out the provisions of this section.*

*8. As used in this section:*

- (a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the*



ability readily to assume control of any firearm or weapon from an apprentice hunter.

(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.

(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.

Sec. 4. 1. The Commission shall establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." The program must provide:

(a) For the issuance of a Dream Tag to either a resident or nonresident of this State;

(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year;

(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section; and

(d) Such other provisions concerning a Dream Tag as the Commission determines reasonable or necessary in carrying out the program.

2. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission, at prices established by the Commission, subject to the following conditions:

(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each to persons who purchase a resource enhancement stamp pursuant to section 5 of this act.

(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win a Dream Tag, conduct any required drawing for a Dream Tag and issue a Dream Tag. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.

(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of wildlife and its

habitat, as determined by the Advisory Board on Dream Tags created by section 6 of this act.

3. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

4. The Department shall, on or before February 1 of each year, report to the Interim Finance Committee concerning the Dream Tag program, including, without limitation:

(a) The number of Dream Tags issued during the immediately preceding calendar year;

(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;

(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and

(d) Any recommendations of the Department concerning the continuation of the program or necessary legislation.

5. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk.

Sec. 5. 1. To be eligible to participate in the Dream Tag raffle, a person must purchase a resource enhancement stamp.

2. Resource enhancement stamps must be sold for a fee of \$10 each by the Department and by persons authorized by the Department to sell the stamps.

3. The Department shall determine the form of the stamps.

Sec. 6. 1. There is hereby created the Advisory Board on Dream Tags, consisting of the following five members:

(a) One member appointed by the Governor;

(b) One member appointed by the Majority Leader of the Senate;

(c) One member appointed by the Speaker of the Assembly;

(d) One member appointed by the Advisory Board on Natural Resources; and

(e) The Vice Chairman of the Commission, who serves as an ex officio member of the Board.

2. Each appointed member of the Board must be a resident of this State and, following the initial terms, serves a term of 2 years.

3. At its first meeting each year, the members of the Board shall elect a Chairman, who shall serve until the next Chairman is elected. The Board shall meet as necessary at the call of the Chairman.

4. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Board.

5. While engaged in the business of the Board, to the extent of legislative appropriation, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Department shall provide the Board with such staff as is necessary to carry out the duties of the Board.

7. The Board shall, in accordance with the requirements of paragraph (c) of subsection 2 of section 4 of this act, determine the appropriate use of money received by a nonprofit organization from the proceeds of a Dream Tag raffle.

Sec. 7. The provisions of chapter 462 of NRS do not apply to the distribution of any tags pursuant to this chapter, regardless of the manner in which the tags are distributed or the entity that distributes the tags.

~~[Sec. 2.]~~ Sec. 8. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in ~~section 3~~ section 3 of this act and subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by his parent or guardian or is accompanied at all times by an adult person authorized by his parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare one day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.

~~[Sec. 3.]~~ **Sec. 9.** NRS 502.040 is hereby amended to read as follows:

502.040 1. The Commission shall adopt regulations establishing:

- (a) The procedures for applying to become a license agent.
- (b) The standards to be met by license agents in the performance of their duties.
- (c) The requirements for the furnishing of surety bonds by license agents.
- (d) The manner of remitting money to the Department.
- (e) The manner of accounting for licenses, tags, stamps, permits and other documents received, issued, sold or returned.

↪ A license agent's authority may be revoked by the Department for his failure to abide by the regulations of the Commission. The agent may appeal to the Commission for reinstatement.

2. An application to become a license agent must be accompanied by a fee of \$100 for processing the application.

3. A license agent designated by the Department is responsible for the correct issuance of all licenses, tags, stamps, permits and other documents entrusted to him and, so far as he is able, for ensuring that no licenses are issued upon the false statement of an applicant. Before issuing any license, the license agent shall satisfy himself of the identity of the applicant and the place of his residence, and may require any applicant to present proof of his identity and residence.

4. A license agent is responsible to the Department for the collection of the correct and required fee, for the safeguarding of the money collected by him and for the prompt remission to the Department for deposit in accordance with NRS 501.356 of all money collected. The Department shall furnish to the license agent receipts for all money which he remits to it. A license agent shall furnish a receipt to the Department of all licenses, tags, stamps, permits and other documents which he receives from it.

5. For each license, tag, stamp, permit or other document he sells, **and each apprentice hunting license he issues pursuant to section ~~##~~ 3 of this act**, a license agent is entitled to receive a service fee of:

- (a) One dollar for each license, tag, permit or other document, in addition to the fee for the license, tag, permit or other document; and
- (b) Ten cents for each stamp.

6. Any person authorized to enforce this chapter may inspect, during the license agent's normal business hours, any record or document of the agent relating to the issuance of any such license, stamp, tag, permit or other document.

7. All money collected by a license agent, except service fees collected pursuant to subsection 5, is public money of the State of Nevada, and the State has a prior claim for the amount of money due it upon all assets of the agent over all creditors, assignees or other claimants. The use of this money

for private or business transactions is a misuse of public money and punishable under the laws provided.

**Sec. 10. NRS 502.250 is hereby amended to read as follows:**

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag.....	\$30
Resident antelope tag.....	60
Resident elk tag.....	120
Resident bighorn sheep tag.....	120
Resident mountain goat tag.....	120
Resident mountain lion tag.....	25
Nonresident deer tag.....	240
Nonresident antelope tag.....	300
Nonresident antlered elk tag.....	1,200
Nonresident antlerless elk tag.....	500
Nonresident bighorn sheep tag.....	1,200
Nonresident mountain goat tag.....	1,200
Nonresident mountain lion tag.....	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. **A fee of not less than \$15 and not more than \$50 must be charged for processing an application for a Silver State Tag.**

5. The Commission may accept sealed bids for ~~or may~~ **award through an auction or a Silver State Tag Drawing, or any combination thereof,** not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, ~~for~~ **or Silver State Tag Drawing,** not more than 18 percent of the total amount of money received from the bid, ~~for~~ **or Silver State Tag Drawing** may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid, ~~for~~ **or Silver State Tag Drawing** that is not so deposited must be deposited with the

State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

~~[Sec. 4.]~~ **Sec. 11.** NRS 502.330 is hereby amended to read as follows:

502.330 1. ~~[No.]~~ ***Except as otherwise provided in section ~~##~~ 3 of this act, no*** hunting license may be obtained by any person born after January 1, 1960, unless he presents to the Department, or one of its authorized licensing agents:

(a) A certificate of successful completion of a course of instruction in the responsibilities of hunters as provided by NRS 502.340;

(b) An equivalent certificate of completion of a course in the responsibilities of hunters provided by ~~[a]~~ :

(1) ***Another*** state ~~[or an]~~ ;

(2) ***An*** agency of a Canadian province for the management of wildlife;

or

(3) ***An agency of a foreign country whose course of instruction meets or exceeds the standards established by the International Hunter Education Association, or its successor organization; or***

(c) A hunting license issued to him in a previous year by the Department, ~~[a]~~ ***another*** state or an agency of a Canadian province, which bears a number or other unique mark evidencing successful completion of a course of instruction in the responsibilities of hunters.

2. Any person who has been convicted of violating NRS 503.165 or 503.175 may not obtain a hunting license until he has successfully completed a course in the responsibilities of hunters conducted pursuant to NRS 502.340.

**Sec. 12. As soon as practicable after the effective date of this section, the Governor, Majority Leader of the Senate, Speaker of the Assembly and Advisory Board on Natural Resources shall, in accordance with the requirements of section 6 of this act, appoint the respective members of the Advisory Board on Dream Tags to initial terms that expire on June 30, 2011.**

Sec. 13. 1. This section and sections 2, 4 to 7, inclusive, and 12 of this act become effective upon passage and approval.

2. Sections 1 and 10 of this act become effective on July 1, 2009.

3. Sections 3, 8, 9 and 11 of this act become effective on October 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 294.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 294:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 294 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 505:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 505 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended and the Assembly dispense with the reprinting of Assembly Bills Nos. 227 and 246.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 227 and 246 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Assembly Bill No. 227:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 227 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 246:

YEAS—38.

NAYS—Hogan, Koivisto—2.

EXCUSED—Carpenter, Claborn—2.

Assembly Bill No. 246 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Motion carried.

Assembly in recess at 2:37 p.m.

#### ASSEMBLY IN SESSION

At 2:39 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Oceguera moved that Senate Bills Nos. 41, 53, 66, 79, 125, 131, 134, 169, 174, 175, 219, 229, 254, 287, 298, 317, 319, 333, 377, 414; Senate Joint Resolutions Nos. 1, 2, 3, 4, 9; Senate Joint Resolution No. 2 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 259.

The following Senate amendment was read:

Amendment No. 578.

AN ACT relating to criminal offenders; revising provisions relating to the residential confinement of certain offenders; authorizing a court to provide for the forfeiture of credits for good behavior of a probationer under certain circumstances; revising provisions concerning certain credits to be applied to



a period of probation or parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an offender who has been convicted of a category B felony is not eligible for residential confinement. **Section 1** of this bill requires the standards adopted by the Director of the Department of Corrections concerning eligibility for residential confinement to provide that an offender who has been convicted of a category B felony is eligible for residential confinement if: (1) the offender is not otherwise ineligible for residential confinement; and (2) the Director makes a written finding that assigning the offender to residential confinement is not likely to pose a threat to the safety of the public. (NRS 209.392)

Existing law authorizes the State Board of Parole Commissioners to provide for the forfeiture of credits for good behavior of a parolee who violates a condition of his parole and, as appropriate, for the restoration of such credits. **Section 4** of this bill authorizes a court to provide for the forfeiture of credits for good behavior of a probationer who violates a condition of his probation and, as appropriate, for the restoration of such credits.

Existing law provides that an offender who is sentenced to serve a period of probation for a felony and who demonstrates certain good behavior must be allowed certain deductions from his period of probation. **Section 5** of this bill amends existing law to provide generally that a person who is sentenced to a period of probation for a felony or a gross misdemeanor must be allowed a deduction from his period of probation of: (1) ten days for each month he serves and is current on any fee to defray the cost of his supervision and on any fines, fees and restitution ordered by the court; and (2) an additional 10 days for each month he serves and is actively involved in employment or enrolled in certain programs. (NRS 176A.500)

Existing law authorizes a court to order a probationer who violates a condition of his probation to a term of residential confinement and to direct the person to be confined, for not more than 6 months, to a community correctional center, conservation camp, facility of minimum security or other place of confinement operated by the Department of Corrections for the custody, care or training of offenders, other than a prison designed to house 125 or more offenders within a secure perimeter. **Section 6** of this bill authorizes a court to direct such a person who was placed on probation for a felony conviction to be confined to any of those facilities and institutions, including a prison designed to house 125 or more offenders within a secure perimeter. Further, **section 6** of this bill authorizes the Department of Corrections to select the facility or institution in which to place the person. (NRS 176A.660)

**Section 3** of this bill amends chapter 213 of NRS, which governs parolees in a manner similar to **section 6** of this bill. **Section 3** provides that a parolee who is returned to confinement in a facility or institution of the Department

of Corrections is authorized to earn credits to reduce his sentence pursuant to chapter 209 of NRS, with the exception of certain credits which are earned by an offender who is released on parole. (NRS 213.152)

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

Section 1. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

↪ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) ~~[A]~~ *Except as otherwise provided in subsection 4, a* category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795, 484.37955 or 484.379778; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

↪ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. *The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:*

(a) *The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and*

(b) *The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.*

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

~~[5-]~~ 6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↪ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

~~[6-]~~ 7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in

that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in subsection ~~6~~ 7, if a parolee violates a condition of his parole, the Board may order him to a term of residential confinement in lieu of suspending his parole and returning him to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require:

(1) The parolee to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

(2) Intensive supervision of the parolee, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement; or

(b) Require the parolee to be confined to a facility *or institution* of the Department of Corrections ~~approved by the Board~~ for a period not to exceed 6 months. ***The Department may select the facility or institution in which to place the parolee.***

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the parolee at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the parolee while inside his residence,

↪ must not be used.

4. ***A parolee who is confined to a facility or institution of the Department of Corrections pursuant to paragraph (b) of subsection 2:***

***(a) May earn credits to reduce his sentence pursuant to chapter 209 of NRS; and***

***(b) Shall not be deemed to be released on parole for purposes of NRS 209.447 or 209.4475 during the period of that confinement.***

5. The Board shall not order a parolee to a term of residential confinement unless he agrees to the order.

~~{5-}~~ 6. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

~~{6-}~~ 7. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

~~{7-}~~ 8. As used in this section ~~[, "facility"]~~:

(a) "**Facility**" has the meaning ascribed to it in NRS 209.065.

(b) "**Institution**" has the meaning ascribed to it in NRS 209.071.

Sec. 4. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

**1. If a court before which a probationer is brought pursuant to NRS 176A.630 determines that the probationer has violated a condition of his probation, the probationer forfeits all or part of the credits for good behavior earned by him pursuant to NRS 176A.500 during his probation, in the discretion of the court.**

**2. A forfeiture may be made only by the court after proof of the violation and notice to the probationer.**

**3. The court may restore credits forfeited for such reasons as it considers proper.**

**4. If the court provides for the forfeiture or restoration of credits for good behavior of a probationer pursuant to this section, the clerk of the court shall notify the Chief Parole and Probation Officer of the forfeiture or restoration of credits.**

Sec. 5. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260 or 453.3363; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the probationer has, in the judgment of the parole and probation

officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer, or the peace officer, after making an arrest shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person he arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. ~~[An offender]~~ **A person** who is sentenced to serve a period of probation for a felony ~~[who has no serious infraction of the regulations of the Division, the terms and conditions of his probation or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him,]~~ **or a gross misdemeanor** must be allowed for the period of his probation a deduction ~~[of 20]~~ **as set forth in subsection 6 if the offender is:**

(a) **Current with any fee to defray the cost of his supervision charged pursuant to NRS 213.1076 and with any fines, fees and restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430; and**

(b) **Actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.**

6. ~~4.4]~~ **Except as otherwise provided in subsection 7, a person described in subsection 5 must be allowed for the period of his probation a deduction of:**

(a) **Ten days from that period for each month he serves ~~[ ]~~ and is current on any fees to defray the cost of his supervision owed and on any fines, fees and restitution ordered by the court; and**

(b) ~~[Except as otherwise provided in subsection 7, an]~~ **An additional 10 days from that period for each month he serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.**

7. **A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who ~~is~~:**

(a) **Is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program ~~[ ]~~; or**

(b) **Owes any restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430,**

*must be allowed a deduction from the period of probation for making payments of restitution only if the person pays the full amount of restitution imposed.*

↪ *Such a deduction must not exceed the length of time remaining on the person's period of probation.*

8. *As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.*

Sec. 6. NRS 176A.660 is hereby amended to read as follows:

176A.660 1. If a person who has been placed on probation violates a condition of his probation, the court may order him to a term of residential confinement in lieu of causing the sentence imposed to be executed. In making this determination, the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

(a) Direct that he be placed under the supervision of the Division and require:

(1) The person to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

(2) Intensive supervision of the person, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement; or

(b) ~~Direct~~ *If the person was placed on probation for a felony conviction, direct* that he be placed under the supervision of the Department of Corrections and require the person to be confined to a facility *or institution* of the Department ~~[approved by the Division and the court]~~ for a period not to exceed 6 months. *The Department may select the facility or institution in which to place the person.*

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's presence at his residence, including, but not limited to, the transmission of still visual images which do not concern the person's activities while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities while inside his residence,

↪ must not be used.

4. The court shall not order a person to a term of residential confinement unless he agrees to the order.

5. A term of residential confinement may not be longer than the maximum term of a sentence imposed by the court.

6. As used in this section [“~~facility~~”]:

(a) **”Facility”** has the meaning ascribed to it in NRS 209.065.

(b) **”Institution” has the meaning ascribed to it in NRS 209.071.**

Sec. 7. 1. The amendatory provisions of this act apply to offenses committed before, on or after July 1, 2009.

2. For the purpose of calculating credits earned by a person pursuant to NRS 213.152, the amendatory provisions of section 3 of this act must be applied to credits earned by the person before, on or after July 1, 2009.

3. For the purpose of calculating credits earned by a person pursuant to NRS 176A.500, the amendatory provisions of section 5 of this act must be applied only to credits earned by the person on or after July 1, 2009.

Sec. 8. This act becomes effective on July 1, 2009.

Assemblyman Horne moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 259.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

The following Senate amendment was read:

Amendment No. 568.

AN ACT relating to motor vehicles; **revising provisions governing the liability of a short-term lessee of a passenger car for physical damage or loss of use of the car under certain circumstances**; authorizing a short-term lessor to exclude from a waiver of damages losses resulting from the theft of a leased car if the theft is committed by an authorized driver or by a person aided or abetted by an authorized driver; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

**Existing law provides that a short-term lessor and a short-term lessee of a passenger car may agree that the lessee will be responsible for certain damage to or loss of use of the car. (NRS 482.31535) Section 4.5 of this bill increases from \$500 to \$2,500 the amount for which the lessee may be responsible for physical damage or loss of use of the car which occurs as a result of vandalism not related to the theft of the car and not caused by the lessee.**

Under existing law governing the business of short-term leases of passenger cars, a short-term lessor may offer the lessee of a passenger car the opportunity to purchase a “waiver of damages” that relieves the lessee from financial responsibility for certain kinds of damage to the car. (NRS 482.3153, 482.3155-482.31565) **Section 5** of this bill authorizes a lessor to



exclude from such a waiver any damages or loss attributable to the theft of the leased car if the theft is committed by the lessee or other authorized driver or by a person aided or abetted by such a driver.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

**Sec. 4.5. NRS 482.31535 is hereby amended to read as follows:**

482.31535 1. Except as otherwise provided in NRS 482.3154, a short-term lessor and a short-term lessee of a passenger car may agree that the lessee will be responsible for:

(a) Physical damage to the car, up to and including its fair market value, regardless of the cause of the damage.

(b) Mechanical damage to the car, up to and including its fair market value, resulting from:

- (1) A collision;
- (2) An impact; or
- (3) Any other type of incident,

↪ that is caused by a deliberate or negligent act or omission on the part of the lessee.

(c) Loss resulting from theft of the car, up to and including its fair market value, except that the lessee is presumed to have no liability for any loss resulting from theft if an authorized driver:

(1) Has possession of the ignition key furnished by the lessor or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft; and

(2) Files an official report of the theft with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperates with the lessor and the law enforcement agency in providing information concerning the theft.

↪ The lessor may rebut the presumption set forth in this paragraph by establishing that an authorized driver committed or aided and abetted the commission of the theft.

(d) Physical damage to the car, up to and including its fair market value, resulting from vandalism occurring after or in connection with the theft of the car, except that the lessee has no liability for any damage resulting from vandalism if the lessee has no liability for theft pursuant to paragraph (c).

(e) Physical damage to the car and loss of use of the car, up to ~~[\$500.]~~ **\$2,500.** resulting from vandalism not related to the theft of the car and not caused by the lessee.

(f) Loss of use of the car if the lessee is liable for damage or loss.

(g) Actual charges for towing and storage and impound fees paid by the lessor if the lessee is liable for damage or loss.

(h) An administrative charge that includes the cost of appraisal and other costs incident to the damage, loss, loss of use, repair or replacement of the car.

2. For the purposes of this section, the fair market value must be determined in the customary market for the sale of the leased passenger car.

Sec. 5. NRS 482.31555 is hereby amended to read as follows:

482.31555 A short-term lessor may provide in a lease of a passenger car that a waiver of damages does not apply in the following circumstances:

1. Damage or loss resulting from an authorized driver's:

(a) Intentional, willful, wanton or reckless conduct.

(b) Operation of the car in violation of NRS 484.379.

(c) Towing or pushing with the car.

(d) Operation of the car on an unpaved road if the damage or loss is a direct result of the road or driving conditions.

2. Damage or loss occurring when the passenger car is:

(a) Used for hire.

(b) Used in connection with conduct that constitutes a felony.

(c) Involved in a speed test or contest or in driver training activity.

(d) Operated by a person other than an authorized driver.

(e) Operated in a foreign country or outside of the States of Nevada, Arizona, California, Idaho, Oregon and Utah, unless the lease expressly provides that the passenger car may be operated in other locations.

3. An authorized driver providing:

(a) Fraudulent information to the short-term lessor.

(b) False information to the lessor and the lessor would not have leased the passenger car if he had received true information.

***4. Damage or loss resulting from the theft of the passenger car if committed by an authorized driver or a person aided or abetted by an authorized driver. A theft is presumed to have been committed by a person other than an authorized driver or a person aided or abetted by an authorized driver if the short-term lessee of the car:***

***(a) Has possession of the ignition key furnished by the lessor or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft; and***

***(b) Files an official report of the theft with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperates with the lessor and the law enforcement agency in providing information concerning the theft.***

***↪ The lessor may rebut the presumption set forth in this subsection by establishing that an authorized driver committed or aided and abetted another person in the commission of the theft.***

**Sec. 6. This act becomes effective on July 1, 2009.**

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 177.

Remarks by Assemblyman Atkinson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 45, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

#### APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Kihuen, Segerblom, and Gustavson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 45.

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 425.

The following Senate amendment was read:

Amendment No. 616.

AN ACT relating to education; authorizing the Superintendent of Public Instruction to issue an additional license to teach elementary education, middle school or junior high school education or secondary education to certain licensed teachers; revising provisions governing the reciprocal licensure of teachers and other educational personnel; requiring the Commission on Professional Standards in Education to conduct a review of the regulations of the Commission governing the licensure and endorsement of special education teachers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Superintendent of Public Instruction to issue a license to teach elementary education, middle school or junior high school education or secondary education to an applicant pursuant to regulations adopted by the Commission on Professional Standards in Education. (NRS 391.031, 391.033) Existing regulations of the Commission require a teacher licensed in this State to apply for and meet the requirements for an initial license to teach elementary education, middle school or junior high school education or secondary education, including participation in a program of student teaching or supervised teaching in the designated grade level, if he is applying for a license outside the grade level he is licensed to teach. (NAC 391.025, 391.095, 391.111, 391.120) **Section 1** of this bill authorizes the

Superintendent to issue to a licensed teacher an additional license to teach elementary education, middle school or junior high school education or secondary education, other than for the teaching pupils with disabilities, which is outside his grade level of experience if he meets the course work requirements and qualifications for the license. A licensed teacher must not be required to participate in a program of student teaching or supervised teaching as a condition for the issuance of the additional license if he has 3 years of verified teaching experience.

Existing law authorizes the Commission to adopt regulations that exempt an applicant from the examinations required for initial licensure of teachers and other educational personnel if the applicant has previous teaching experience or has performed other educational functions in another state. (NRS 391.021, 391.032) **Sections 4 and 5** of this bill remove the requirement that an applicant have previous experience and authorizes the exemption if the Commission determines that the examinations required for initial licensure in the other state are comparable to the examinations required for initial licensure in this State.

**Section 6** of this bill requires the Commission to conduct a review of the regulations of the Commission governing the licensure and endorsement of special education teachers to improve and enhance the reciprocal licensure in this State of special education teachers from other states.

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

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

*1. A person licensed to teach elementary education, middle school or junior high school education or secondary education in this State may apply for and the Superintendent of Public Instruction may issue to that person an additional license to teach elementary education, middle school or junior high school education or secondary education, other than for the teaching pupils with disabilities, which is outside his grade level of experience if he meets the course work requirements and qualifications for the license.*

*2. A licensed teacher who applies for an additional license pursuant to this section must not be required to participate in a program of student teaching as a condition for the issuance of the additional license if he has 3 years of verified teaching experience.*

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the

procedures for the issuance and renewal of those licenses. *The regulations must not prescribe qualifications which are more stringent than the qualifications set forth in section 1 of this act for a licensed teacher who applies for an additional license in accordance with that section.*

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the Office of Disability Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.

↪ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(11) If the Commission approves the Passport to Teaching certification from the American Board for Certification of Teacher Excellence as an alternative route to licensure, providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a Passport to Teaching certification from the American Board for Certification of Teacher Excellence;

(II) Passes each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; and

(III) Agrees to participate in a program of mentoring prescribed by the Commission for the first year of his employment as a teacher with a school district or charter school.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7), (10) or (11) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 3. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. ***The regulations must not prescribe qualifications which are more stringent than the qualifications set forth in section 1 of this act for a licensed teacher who applies for an additional license in accordance with that section.***

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the Office of Disability Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.

↪ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 4. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in subparagraph (10) of paragraph (a) of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the



applicant to teach and his knowledge of each specific subject he proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and
3. The Constitution of the United States.

↪ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel ~~[who have previous experience in teaching or performing other educational functions in]~~ **from** another state ~~[.]~~ **if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.**

Sec. 5. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states.

2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel ~~[who have previous experience in teaching or performing other educational functions in]~~ **from** another state ~~[. If the Commission adopts regulations providing such an exemption, the Commission shall identify the examinations to which the exemption applies.]~~ **if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.**

3. A person who is issued a conditional license must complete all courses of study and other requirements for a license in this State which is not conditional within 3 years after the date on which a conditional license is issued.

Sec. 6. 1. The Commission on Professional Standards in Education shall conduct a review of the regulations of the Commission governing the licensure and endorsement of special education teachers to improve and enhance the reciprocal licensure in this State of special education teachers from other states. The review must include an analysis of:

(a) The possible consolidation of the categorical special education endorsements into broader, noncategorical endorsements; and

(b) The possible issuance of a waiver of the requirement of specific course work for the categorical endorsements for teaching pupils with disabilities required by regulation of the Commission if a teacher has 3 years of verified

teaching experience in a classroom providing instruction to pupils with the area of disability in which he seeks the categorical endorsement.

2. On or before January 1, 2010, the Commission shall submit to the Legislative Committee on Education a report of:

(a) The results of the review conducted pursuant to subsection 1; and

(b) Any regulations relating to the endorsements proposed by the Commission as a result of its review or, if the Commission is not proposing any regulations, a detailed explanation of why it is not.

3. On or before July 1, 2010, the Commission shall submit to the Legislative Committee on Education:

(a) A report of the regulations adopted by the Commission as a result of its review or, if no regulations are adopted, a detailed explanation of why the Commission did not adopt regulations; and

(b) Any recommendations for legislation relating to the licensure and endorsement of special education teachers.

**Sec. 7.** 1. This section and sections 1, 2, 4, 5 and 6 of this act become effective ~~on July 1, 2009.~~ **upon passage and approval.**

2. Section 3 of this act becomes effective on July 1, 2011.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 425.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 14, 29, 41, 47, 48, 49, 71, 73, 85, 97, 107, 112, 122, 168, 174, 176, 194, 196, 209, 213, 219, 231, 232, 242, 257, 289, 301, 305, 306, 311, 352, 353, 362, 364, 372, 377, 428, 429, 432, 441, 455, 459, 472, 475, 480, 481, 499, 512, 516; Assembly Joint Resolution No. 10; Assembly Concurrent Resolution No. 32; Senate Bill No. 142.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Burgess and Hugh Hempel.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, parents, and teachers from McGill Elementary School: Alyssa Augare, Zachary Bellander, Taverick Birmingham, Dakoda Campbell, Christopher Carpenter, Travis Crawford, Samantha Gambert, Jeni Goff, Jason Nelson, MacKaya Magdaleno, Shaina Ore, Tabatha Hamilton, Xianna Thompson, Suzanna Parish, Kayleen Lamb, Kaylen Lamb, Montu Moore, Macrae

Windous, Santiago Morena, Katie Nicholes, Justin Finch, Coban Parker, Scott Rogan, Taylor Adams, Kayla Jensen, Skye Campbell, Chris Hill, Nathan Laity, Alyssa Hopkins, Ashia Muniz, Meagan Shepard, Chelsie Clark, Brianna Hedges, Coby Marshall, Steve Campbell, Janine Gamberg, Debra Ore, Mike Thompson, Rick Goff, Daniel Parish, Dusty Lamb, Vince Windous, Angela Bellander, Teresa Roberts, Merlyn Parker, Jason Adams, Michelle Hill, Kenneth Hopkins, Steve Hodge, Alan Hedges, Mike Barvansky, Tami Birmingham, and Lance Marshall.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Holecheck, David Bennett, and Tim Hacker.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Spiegel.

Assemblyman Ocegüera moved that the Assembly adjourn until Saturday, May 16, 2009, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:52 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*