

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), June 1, 2011

Senate called to order at 12:58 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O God. At this moment, the Senators of this great State, humbly ask for Your help and guidance. Make it a sacred moment, a moment when we all become aware of our need for You: a moment when answers come and guidance is given.

Often we pray for that which is already ours, neglected and unused. Sometimes, we pray for that which can never be ours and sometimes, for that which we must do for ourselves.

How many times we never pray at all and then work ourselves to death to earn something that is ours for the asking.

Help us to understand that "faith without works is dead," and that work without faith can never live.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Assembly Bill No. 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bills Nos. 129, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

STEVEN A. HORSFORD, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 48, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 418; Assembly Bills Nos. 100, 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was re-referred Senate Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHIRLEY A. BREEDEN, *Chair*

MESSAGES FROM THE GOVERNOR
OFFICE OF THE GOVERNOR

May 31, 2011

The Honorable John Oceguera, *Speaker of the Assembly*, Legislative building, 401 South Carson Street, Carson City, Nevada, 89701

Legislative Building, Nevada 89701

RE: Assembly Bill No. 566 of the 76th Legislative Session

DEAR SPEAKER OCEGUERA:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill No. 566, which is entitled:

AN ACT relating to elections; revising the legislative districts from which the members of the Senate and Assembly are elected; revising the districts from which Representatives in the Congress of the United States are elected; and providing other matters properly relating thereto.

This bill relates to the revision of legislative and Congressional districts in our state. On May 14, 2011, I vetoed Senate Bill No. 497 relating to the same subject. In my message to the President of the Senate, I stated my objections: the plan reflected in the bill does not provide for the fair representation of the people of the State of Nevada, nor did it comply with the voting Rights Act of 1965. I veto this bill for the same reasons, incorporating by reference my letter to the President of the Senate of March 14, 2011 relating to Senate Bill No. 497 in support of this action.

Sincere regards,
BRIAN SANDOVAL
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 164 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Senate in recess at 1:06 p.m.

SENATE IN SESSION

At 1:10 p.m.

President Krolicki presiding.

Quorum present.

Senator Wiener moved that Senate Bills Nos. 77, 125, 259, 292, 414, be taken from Unfinished Business and placed on Unfinished Business for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

Senate Bill No. 223.

The following Assembly amendment was read:

Amendment No. 681.

"SUMMARY—Revises provisions relating to cruelty to animals. (BDR 50-760)"

"AN ACT relating to animals; authorizing a person to report an act of cruelty against an animal; requiring such a report to be kept confidential under certain circumstances; making certain willful and malicious acts of cruelty to certain animals punishable as a felony; clarifying that a retailer, dealer or operator who separates a dog or cat from its mother is guilty of a misdemeanor under certain circumstances; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from committing an act of cruelty against an animal. (NRS 574.100) "Cruelty" is defined to include any act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. (NRS 574.050) For a first or second offense within 7 years, existing law provides that a person who commits an act of cruelty against an animal is guilty of a misdemeanor. For a third or subsequent offense within 7 years, existing law provides that such a person is guilty of a category C felony. (NRS 574.100) Existing law also prohibits a person from committing certain acts against a dog that is owned by another person and that is used in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined. Specifically, a person who willfully, unjustifiably and maliciously tampers or interferes with such a dog is guilty of a category D felony. A person who willfully and unjustifiably abuses or injures such a dog is guilty of a category D felony and may be further punished by a fine of not more than \$10,000. A person who willfully and unjustifiably kills such a dog is guilty of a category C felony. (NRS 574.107) **Section 1** of this bill: (1) authorizes a person to report an act of cruelty against an animal to any peace officer, officer of a society for the prevention of cruelty to animals or animal control officer; (2) provides that the report is confidential; and (3) prohibits releasing any information concerning the report except ~~pursuant to~~ **for the purposes of** a criminal **investigation or** prosecution. **Section 4** of this bill provides that a person who willfully and maliciously commits certain acts of cruelty against an animal kept for companionship or pleasure or against any cat or dog is guilty of a category D felony, except that the person is guilty of a category C felony if the act of cruelty is committed against the animal in order to threaten, intimidate or terrorize another person.

Existing law prohibits a retailer, dealer or operator from separating a dog or cat from its mother until it is 8 weeks of age or is accustomed to taking food or nourishment other than by nursing, whichever is later. (NRS 574.500) Although no penalty is specifically provided for violating that prohibition, existing law provides that whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, a person who commits that act is guilty of a misdemeanor.

(NRS 193.170) **Section 6** of this bill clarifies that a person who separates a dog or cat from its mother before it is 8 weeks old or is accustomed to taking food or nourishment other than by nursing is guilty of a misdemeanor.

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

Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who knows or has reasonable cause to believe that an animal has been subjected to an act of cruelty in violation of NRS 574.100 may report the act of cruelty to any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040; or

(c) Animal control officer.

2. Any report made pursuant to subsection 1 is confidential.

3. Any person, law enforcement agency, society for the prevention of cruelty to animals or animal control agency that willfully releases data or information concerning the reports, ~~except pursuant to~~ for the purposes of a criminal investigation or prosecution, is guilty of a misdemeanor.

Sec. 2. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~††~~ , **and section 1 of this act:**

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 3. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the

notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph ~~[(b)]~~ (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph ~~[(b)]~~ (c) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 4. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) ~~Overdrive,~~ ***Torture or unjustifiably maim, mutilate or kill:***

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

~~[(b)]~~ (c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

~~[(e)]~~ (d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

~~[(d)]~~ (e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

~~[(e)]~~ (f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. *A person who willfully and maliciously violates paragraph (a) of subsection 1:*

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. *Except as otherwise provided in subsection 5, a person who violates subsection 1, 2 or 3:*

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~6.~~ 7. In addition to any other fine or penalty provided in subsection 5 ~~or 6~~, a court shall order a person convicted of violating subsection 1, 2 or 3 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 or 3, including, without limitation, money expended for veterinary treatment, feed and housing.

~~7.~~ 8. The court may order the person convicted of violating subsection 1, 2 or 3 to surrender ownership or possession of the mistreated animal.

~~18.1~~ 9. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch.

Sec. 5. NRS 574.200 is hereby amended to read as follows:

574.200 The provisions of NRS 574.050 to 574.510, inclusive, *and section 1 of this act* do not:

1. Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.
2. Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.
3. Interfere with the right to kill all animals and fowl used for food.
4. Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.
5. Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.
6. Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

Sec. 6. NRS 574.500 is hereby amended to read as follows:

574.500 *1.* A retailer, dealer or operator shall not separate a dog or cat from its mother until it is 8 weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Senator Manendo moved that the Senate concur in the Assembly amendment to Senate Bill No. 223.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 236.

The following Assembly amendment was read:

Amendment No. 628.

"SUMMARY—Provides for the increased use of recycled materials in certain road and highway projects. (BDR 35-766)"

"AN ACT relating to highways; declaring that it is the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public highways in this State; requiring the Director of the Department of Transportation to adopt policies ~~to optimize~~ **that provide for** the use of such materials in highway projects; requiring a local government that undertakes certain road or highway projects

to adopt policies that ~~optimize~~ **provide for** the use of such materials in the projects; ~~requiring certain reporting to the Legislature concerning such projects;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1.5 of this bill declares it to be the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public highways in this State. **Section 2** of this bill requires the Director of the Department of Transportation to adopt policies that ~~optimize~~ **provide for** the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in projects for the construction, reconstruction, improvement, maintenance or repair of highways ~~and to submit certain reports to the Legislature concerning the Department's use of such materials in those projects.~~ **Section 2.3 of this bill requires the Department to ensure that the use of any recycled aggregate, recycled bituminous pavement or recycled rubber from tires in certain projects is not restricted unless scientific evidence satisfactory to the Department indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for the project compromises the soundness of the project. Sections 2.5 and 3** of this bill ~~imposes~~ **impose** comparable requirements on local governments that undertake public works projects for the construction, reconstruction, improvement, maintenance or repair of a public road or public highway.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. The Legislature hereby declares that it is the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public roads and highways in this State.

Sec. 2. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall ~~fr~~

~~1. Adopt~~ **adopt policies that provide for the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in projects for the construction, reconstruction, improvement, maintenance and repair of highways undertaken by the Department pursuant to this chapter.** ~~fr and~~

~~2. Not later than January 31 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in each project for the construction, reconstruction, improvement, maintenance~~

~~or repair of a highway undertaken by the Department pursuant to this chapter during the immediately preceding 2 calendar years.]~~

Sec. 2.3. NRS 408.313 is hereby amended to read as follows:

408.313 ~~1. All~~

1. Except as otherwise provided in subsection 2, all highways constructed under the provisions of this chapter shall be constructed in such manner as to provide for sufficient and permanent drainage and of such materials as to insure, so far as reasonably may be done, considering all of the circumstances, permanent wearing qualities and to provide against excessive maintenance cost. Regard shall always be had to the character and quality of the traffic to be accommodated and the interests of the public to be served.

2. The Department shall ensure that the use of any recycled aggregate, recycled bituminous pavement or recycled rubber from tires, or any combination thereof, in any project for the construction, reconstruction, improvement, maintenance or repair of a highway is not restricted unless scientific evidence satisfactory to the Department clearly indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for that project compromises the soundness of the project.

Sec. 2.5. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a local government that undertakes a project pursuant to this chapter for the construction, reconstruction, improvement, maintenance or repair of a public road or public highway shall ~~f~~

~~1. Adopt] adopt policies [to optimize] that provide for the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the project .f; and~~

~~2. Not later than January 31 of each odd numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in each such project undertaken by the local government during the immediately preceding 2 calendar years.]~~

Sec. 3. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive;
- (c) NRS 338.169 to 338.1699, inclusive; or
- (d) NRS 338.1711 to 338.1727, inclusive.

2. A local government or its authorized representative which awards a contract for a public work pursuant to subsection 1 which includes the construction, reconstruction, improvement, maintenance or repair of a public road or public highway shall ensure that the use of any recycled

aggregate, recycled bituminous pavement or recycled rubber from tires, or any combination thereof, in the construction, reconstruction, improvement, maintenance or repair of the public road or public highway is not restricted unless scientific evidence satisfactory to the local government clearly indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for that construction, reconstruction, improvement, maintenance or repair compromises the soundness of the project.

3. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.1699, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive ~~†~~, and section 2 of this act.

Sec. 3.5. The amendatory provisions of this act do not apply to:

1. A project specified in section 2 or 2.5 of this act or NRS 408.313, as amended by section 2.3 of this act, which is commenced before July 1, 2011; or

2. A contract specified in NRS 338.1373, as amended by section 3 of this act, which is entered into before July 1, 2011.

Sec. 4. This act becomes effective on July 1, 2011.

Senator Breeden moved that the Senate concur in the Assembly amendment to Senate Bill No. 236.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 299.

The following Assembly amendment was read:

Amendment No. 682.

"SUMMARY—Revises provisions relating to the care of animals. (BDR 50-388)"

"AN ACT relating to animals; requiring the board of county commissioners of each county and the governing body of each incorporated city to adopt an ordinance requiring commercial breeders of dogs or cats to obtain a permit to act as a breeder under certain circumstances; setting forth the requirements for the issuance of those permits; making various changes to the standards of care for dogs and cats; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law specifies standards for the care of dogs and cats by kennel and cattery operators, cat and dog breeders and sellers, and operators of animal shelters. (NRS 574.360-574.440) **Section 1.3** of this bill defines "breeder" as a person who operates a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. **Section 1.3 expressly excludes from that definition any person who breeds dogs or cats as a**

hobby. **Section 1.6** of this bill requires the board of county commissioners of each county and the governing body of each incorporated city to adopt an ordinance requiring each breeder to obtain an annual permit to do so from the board or governing body or from the animal control agency of the applicable county or city. **Section 1.6** also requires the applicable authority to issue the permit and assign a permit number to each breeder who applies for a permit, pays ~~any~~ the prescribed fee, if any, and complies with any other requirement established by the ordinance. Each permit issued must specify the premises at which the person may act as a breeder, and the number of the permit assigned to a breeder must be displayed in all advertising in which the breeder offers a dog or cat for sale or trade and on any receipt of sale of a dog or cat sold by the breeder. **Section 1.6** also authorizes an animal control agent of the applicable board or governing body or animal control agency to enter and inspect the specified premises of a breeder during any reasonable hour for the purpose of enforcing the animal care provisions of chapter 574 of NRS. Finally, **section 1.6** authorizes the ordinances required pursuant to this bill to provide for the suspension, revocation or denial of a permit for violating those animal care provisions.

Section 1.9 of this bill prohibits a breeder from selling a dog or cat unless a registered microchip has been subcutaneously inserted into the dog or cat and the dog or cat has had ~~its~~ all the required ~~vaccination~~ vaccinations for rabies, ~~if~~ which are appropriate for the age of the dog or cat. In addition, **section 1.9** prohibits a breeder from selling a dog or cat without a written sales contract and further prohibits a breeder from breeding a female dog before she is 18 months old or more than once a year. **Sections 4 and ~~8-13~~ 9-11** of this bill make various changes to certain standards of care for dogs and cats.

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

Section 1. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.6 and 1.9 of this act.

Sec. 1.3. *"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. The term does not include a person who breeds dogs or cats as a hobby.*

Sec. 1.6. 1. *In addition to any ordinance adopted pursuant to NRS 244.189, 244.335 or 244.359, the board of county commissioners of each county, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder in an unincorporated area of the county to obtain an annual permit to act as a breeder issued by the board or by the animal control agency of the county, if any. Each such board of county commissioners may impose a fee for the issuance of the annual permit which does not exceed the approximate cost of providing the services associated with the issuance of the annual permits.*

2. *In addition to any ordinance adopted pursuant to NRS 266.325 ~~or~~ or 266.355, the city council or other governing body of each incorporated city, whether organized under general law or special charter, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder in the incorporated area of the city to obtain an annual permit to act as a breeder issued by the city council or other governing body or by the animal control agency, if any. Each such city council or other governing body of an incorporated city may impose a fee for the issuance of the annual permit which does not exceed the approximate cost of providing the services associated with the issuance of the annual permits.*

3. *After a board of county commissioners or a city council or other governing body of an incorporated city adopts an ordinance pursuant to subsection 1 or 2, as applicable, the board or governing body shall issue a permit and assign a permit number to each breeder who:*

(a) *Submits an application on a form and in the manner prescribed by the ordinance;*

(b) *Pays a fee ~~, if any,~~ prescribed by the ordinance; and*

(c) *Complies with any other requirements prescribed by the ordinance.*

4. *Each permit issued pursuant to subsection 3 must specify the address of the premises at which the person may act as a breeder.*

5. *The number of the permit assigned to a breeder pursuant to subsection 3 must be displayed in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale of a dog or cat sold by the breeder.*

6. *For the purpose of enforcing the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders, any animal control agent of the issuing authority may enter and inspect the premises specified on the permit at any reasonable hour.*

7. *An ordinance adopted pursuant to subsection 1 or 2 may provide for the suspension, revocation or denial of a permit for a violation of the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders.*

Sec. 1.9. *A breeder shall not:*

1. *Sell a dog or cat:*

(a) *Unless the dog or cat has had:*

(1) *A registered microchip subcutaneously inserted into the dog or cat; and*

(2) *All ~~its~~ the required vaccinations for rabies ~~it~~ which are appropriate based upon the age of the dog or cat; or*

(b) *Without providing a written sales contract to the purchaser; or*

2. *Breed a female dog:*

(a) *Before she is 18 months old; or*

(b) *More than once a year.*

Sec. 2. NRS 574.210 is hereby amended to read as follows:

574.210 As used in NRS 574.210 to 574.510, inclusive, **and sections 1.3, 1.6 and 1.9 of this act**, unless the context otherwise requires, the words and terms defined in NRS 574.220 to 574.330, inclusive, **and section 1.3 of this act** have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 574.310 is hereby amended to read as follows:

574.310 "Primary enclosure" means a structure used to restrict the immediate movement of a dog or cat to a limited amount of space, such as a room, pen, run, cage, compartment or hutch ~~†~~, **and in which an animal is regularly so restricted for more than 7 hours during a 24-hour period.**

Sec. 5. NRS 574.340 is hereby amended to read as follows:

574.340 **1.** The provisions of NRS 574.210 to 574.510, inclusive, **and sections 1.3, 1.6 and 1.9 of this act** do not apply to:

~~††~~ **(a)** The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity ~~†~~

~~—2†~~ **or animal.**

(b) Activities for which a license is required by the provisions of chapter 466 of NRS.

~~†3†~~ **(c)** The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

~~†4†~~ **(d)** The exhibition of dogs or cats.

2. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 564.010.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 6. NRS 574.350 is hereby amended to read as follows:

574.350 No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive ~~†~~, **and sections 1.3, 1.6 and 1.9 of this act.**

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 574.380 is hereby amended to read as follows:

574.380 If dogs or cats are kept outdoors, an operator shall:

1. Provide a suitable method for the rapid drainage of surface water from the area where each dog or cat is kept.

2. Provide each dog or cat with a sufficient amount of shelter to:

(a) Remain dry from rain and snow;

(b) Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort; ~~†and†~~

(c) Remain cool during a period for which the National Weather Service has issued a heat advisory;

(d) Protect the animal from wind which creates a wind chill below 50 degrees Fahrenheit or for which the National Weather Service has issued a high wind warning; and

(e) Remain warm when the atmospheric temperature falls below 50 degrees Fahrenheit. If the ambient temperature falls below ~~the temperature to which a dog or cat is acclimated,~~ **50 degrees Fahrenheit**, the operator shall provide such an additional amount of clean bedding material or other protection as necessary for the dog or cat to remain warm.

3. After considering the ambient temperature, provide each dog or cat with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

Sec. 10. NRS 574.390 is hereby amended to read as follows:

574.390 **1.** An operator shall ensure that a primary enclosure ~~is~~ :

(a) Has a solid floor;

(b) Is not stacked on top of another primary enclosure; and

(c) Is constructed and maintained in such a manner as to:

~~1-1~~ **(1)** Protect the dogs or cats inside from injury;

~~2-1~~ **(2)** Prevent the dogs or cats inside from escaping;

~~3-1~~ **(3)** Keep other dogs or cats out;

~~4-1~~ **(4)** Allow the dogs or cats inside convenient access to food and water;

~~5-1~~ **(5)** Enable the dogs or cats inside to remain clean and dry; ~~and~~

~~6-1~~ **(6)** Provide sufficient space for each dog or cat inside to turn about freely and to stand, sit and lie in a comfortable, normal position ~~1-1~~ ; **and**

(7) Prevent the dogs or cats inside from biting or otherwise harming an animal or person outside of the primary enclosure.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an animal shelter.

Sec. 11. NRS 574.430 is hereby amended to read as follows:

574.430 An operator shall ensure that:

1. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.

2. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.

3. **For primary enclosures used to restrict the immediate movement of a dog or cat:**

(a) Excreta are removed ~~from primary enclosures~~ at least once daily to prevent contamination and to reduce to a minimum odors and the risk of disease ~~1-1. A primary enclosure must be~~ ; **and**

(b) Each such primary enclosure is disinfected at least once daily and before placing another dog or cat in the primary enclosure. If a hosing or flushing method of cleaning is used, all dogs and cats must be removed from the primary enclosure and adequate measures must be taken to protect the dogs and cats in other primary enclosures from being contaminated with water and other wastes.

4. ~~Other~~ **Primary enclosures used to restrict the immediate movement of an animal other than a dog or cat** are cleaned, washed and disinfected at least once every 2 weeks to prevent any accumulation of debris or excreta

and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.

5. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every 2 weeks by:

- (a) Washing them with water of a temperature not less than 120 degrees Fahrenheit and with soap or detergent;
- (b) Washing all soiled surfaces with a safe and effective disinfectant; or
- (c) Cleaning all soiled surfaces with live steam.

6. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.

7. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from housing facilities regularly and disposed of properly.

8. Facilities for disposal are maintained in such a manner as to reduce to a minimum odors and the risk of disease or infestation by vermin.

9. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. **(Deleted by amendment.)**

Senator Manendo moved that the Senate concur in the Assembly amendment to Senate Bill No. 299.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 323.

The following Assembly amendment was read:

Amendment No. 672.

"SUMMARY—Revises provisions relating to motor vehicle liability insurance and registration. (BDR 43-421)"

"AN ACT relating to vehicles; revising provisions governing the reinstatement of the registration of a motor vehicle whose registered owner has allowed his or her policy of liability insurance to lapse; revising provisions governing registration of vehicles in this State by residents of this State; requiring certain nonresidents to register vehicles in this State; **prohibiting the Department of Motor Vehicles from registering a motor vehicle under certain circumstances**; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a registered owner who failed to have liability insurance on a date specified by the Department of Motor Vehicles is required, with respect to a vehicle that is not dormant, to pay to the Department a fee of \$250 to reinstate the registration of the vehicle. (NRS 482.480) **Section ~~HH~~ 2** of this bill replaces the flat \$250 reinstatement fee with a tiered system of penalties that includes, depending upon how many times the registered owner has allowed his or her insurance to lapse and

depending upon the length of time during which the insurance has lapsed, escalating reinstatement fees, escalating fines, requirements to file and maintain a certificate of financial responsibility and possible suspension of the registered owner's driver's license.

Existing law requires a person, within 60 days after becoming a resident of this State, to apply for the registration of each vehicle he or she owns which is operated in this State. A nonresident owner of a noncommercial vehicle is not required to apply for registration of the vehicle unless the vehicle is furnished to a resident for his or her continuous use within this State. (NRS 482.385) **Section ~~12~~ 4** of this bill changes the 60-day period within which a new resident must apply for registration of his or her vehicle to a 30-day period. **Section ~~12~~ 4** also requires certain persons to register their vehicles: (1) if the person is a nonresident and the vehicle is operated in this State for a period of more than 30 days in the aggregate in any 1 calendar year; (2) within ~~10~~ **30** days if the person is a resident or nonresident and engages in a trade, profession or occupation or accepts gainful employment in this State; (3) within ~~10~~ **30** days if the person is a resident or nonresident and enrolls his or her children in a public school in this State; or (4) within 30 days if the person is a resident and operates a vehicle owned by a nonresident. **Section ~~12~~ 4** provides exceptions to the preceding requirements for persons who are on active duty in the military service of the United States, out-of-state students, certain students of institutions of higher education who are present in this State to participate in a work-study program, and migrant or seasonal farm workers.

Under existing law, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. Such a constable must, upon the issuance of the citation, charge and collect a fee of \$100 from the person to whom the citation was issued. (NRS 258.070) Section 3 of this bill prohibits the Department of Motor Vehicles from registering a motor vehicle if the Department has received from a local authority notice that the owner of the vehicle has failed to pay a fee imposed by a constable for noncompliance with the provisions of NRS 482.385, unless the owner provides to the Department a receipt indicating that the owner has paid the fee to the local authority or the local authority transmits to the Department a notice stating that the owner has paid the fee.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. Except as otherwise provided in subsection 7 of NRS 485.317, if a registered owner failed to have insurance on the date specified by the Department pursuant to NRS 485.317:

(a) For a first offense, the registered owner shall pay to the Department a registration reinstatement fee of \$250, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of \$250.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of \$500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of \$1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(b) For a second offense, the registered owner shall pay to the Department a registration reinstatement fee of \$500, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of \$500.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of \$500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of \$1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(c) For a third or subsequent offense:

(1) The driver's license of the registered owner must be suspended for a period to be determined by regulation of the Department but not less than 30 days;

(2) The registered owner shall file and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated; and

(3) The registered owner shall pay to the Department a registration reinstatement fee of \$750, and if the period during which insurance coverage lapsed was:

(I) At least 31 days but not more than 90 days, pay to the Department a fine of \$500.

(II) At least 91 days but not more than 180 days, pay to the Department a fine of \$750.

(III) *More than 180 days, pay to the Department a fine of \$1,000.*

2. *As used in this section, "certificate of financial responsibility" has the meaning ascribed to it in NRS 485.028.*

Sec. 3. 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection 2 of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) Has failed to pay the fee charged by the constable pursuant to subsection 2 of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

~~{Sec. 2}~~ Sec. 4. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in ~~subsection~~ subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State ~~††~~:

(a) *For a period of not more than 30 days in the aggregate in any 1 calendar year; and*

(b) *Notwithstanding the provisions of paragraph (a), during any period in which the owner is:*

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. ~~When~~ ***Except as otherwise provided in subsection 5, when*** a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within ~~60~~ **30** days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

↪ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to ~~this~~ subsection ***1, 3 or 5*** only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of ~~this~~ subsection **3** and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

~~4-~~ ***5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within ~~10~~ 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:***

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection ***1, 3 or 5*** is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection ~~3-~~ **4**. The fine imposed pursuant to this subsection may be

reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

~~5.1~~ 7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within ~~60~~ 30 days after beginning its operation within this State.

~~6.1~~ 8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, ~~7 or 9~~ or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

~~7.1~~ 9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

~~8.1~~ 10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

~~9.1~~ 11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State; ~~or~~

(b) The vehicle is used in this State for a gainful purpose ~~or~~;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

↪ As used in this subsection, "peace officer" includes a constable.

~~Sec. 3.1~~ Sec. 5. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of \$6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee ~~of \$250~~ **as specified in section ~~4~~ 2 of this act** for a registered owner who failed to have insurance on the date specified by the Department ~~4~~, **which fee is in addition to any fine or penalty imposed pursuant to section ~~4~~ 2 of this act**; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

↪ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.

8. For every permit for the operation of a golf cart, an annual fee of \$10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

~~Sec. 4~~ **Sec. 6.** NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and ~~payment of the fee~~ **compliance with the requirements** for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

6. If a registered owner proves to the satisfaction of the Department that the vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate the registration and, if applicable, reissue the license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate the registration or reissue the license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.

7. If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:

(a) Reinstatement of the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

➔ The Department shall adopt regulations to carry out the provisions of this subsection.

~~{Sec. 5}~~ *Sec. 7.* Notwithstanding the amendatory provisions of this act:

1. The provisions of subsection 3 of NRS 482.385, as amended by section ~~{2}~~ 4 of this act, do not require a person specified in that subsection to register a vehicle owned by that person and operated in this State until August 1, 2011.

2. The provisions of subsection 5 of NRS 482.385, as added to that section by section ~~{2}~~ 4 of this act, do not require a resident of this State specified in that subsection to register a vehicle owned by that person and operated in this State until September 1, 2011.

3. The provisions of subsection 7 of NRS 482.385, as amended by section ~~{2}~~ 4 of this act, do not require a resident of this State who operates a motor vehicle specified in that subsection to cause that motor vehicle to be registered until August 1, 2011.

~~{Sec. 6}~~ *Sec. 8.* This act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2011, for all other purposes.

Senator Breeden moved that the Senate concur in the Assembly amendment to Senate Bill No. 323.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 339.

The following Assembly amendment was read:

Amendment No. 711.

"SUMMARY—Establishes provisions relating to the safety of patients in certain medical facilities. (BDR 40-662)"

"AN ACT relating to public health; requiring certain medical facilities to provide to patients and to post certain information relating to facility-acquired infections; **requiring providers of health care to provide certain information to a patient who has an infection or a person authorized by the patient to receive such information;** revising requirements for patient safety plans adopted by certain medical facilities; requiring certain medical facilities to designate an infection control officer and establish an infection control program; ~~{including facilities for intermediate care and facilities for skilled nursing within the scope of these requirements and other provisions concerning health and safety of patients;}~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 2 of this bill requires certain medical facilities to provide to their patients certain information relating to facility-acquired infections and to post in public areas of the facilities information on reporting facility-acquired infections.

Section 2.5 of this bill requires a provider of health care or the designee of a provider of health care to inform a patient at a medical

facility or the legal guardian or other person authorized by the patient to receive such information of a diagnosis that the patient has an infection as soon as practicable but not later than 5 days after the diagnosis is confirmed, except that such notice may be delayed in certain limited circumstances. Section 2.5 further requires the medical facility to ensure that providers of health care of the medical facility establish protocols for providing such information and for informing a patient or the legal guardian or other person authorized by the patient to receive such information whether the infection was acquired at the medical facility and of the apparent source of the infection. Section ~~2.5~~ 2.5 further provides for immunity from liability for providing certain information to a patient relating to the source of an infection.

Section 3 of this bill requires certain medical facilities to designate an infection control officer to carry out certain duties relating to the prevention and control of infections. **Section 3** also establishes requirements for the qualification and training of infection control officers and requires that at least one employee per 100 occupied beds have certain training in infection control.

~~Section 4.5 of this bill extends the provisions of this bill and other provisions concerning health and safety of patients at certain medical facilities to facilities for intermediate care and facilities for skilled nursing.~~

Existing law requires certain medical facilities to prepare a patient safety plan and to submit a copy of the plan to the Health Division of the Department of Health and Human Services on or before March 1 of each year. (NRS 439.843, 439.865) **Section 6** of this bill requires the patient safety plan which is prepared by each medical facility to **include an infection control program to prevent and control infections within the medical facility. In addition, section 6 requires that the patient safety plan be revised, reviewed and updated annually, and to include a program for the prevention and control of infections.** **Section 5** of this bill requires the Department to post each patient safety plan on an Internet website maintained by the Department.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, **2.5** and 3 of this act.

Sec. 2. 1. A medical facility shall:

(a) Provide to each patient of the medical facility, upon admission of the patient, the general and facility-specific information relating to facility-acquired infections required by subsection 2.

(b) Post in publicly accessible areas of the medical facility information on reporting facility-acquired infections, including, without limitation, the contact information for making reports to the Health Division. Such information may be added to other required notices concerning the making of reports to the Health Division.

~~[(c) Ensure that protocols are established for:]~~

~~(1) Informing a patient or the legal guardian or other person authorized by the patient to receive such information that the patient has an infection; and~~

~~(2) If known or determined while a patient remains at the medical facility, informing the patient or the legal guardian or other person authorized by the patient to receive such information whether the infection was acquired at the medical facility and the apparent source of the infection.]~~

2. The information provided to each patient pursuant to paragraph (a) of subsection 1 must include, without limitation:

(a) The measures used by the medical facility for preventing infections, including facility-acquired infections;

(b) Information on determining whether a patient had an infection upon admission to the medical facility, risk factors for acquiring infections and determining whether an infection has been acquired;

(c) Information on preventing facility-acquired infections;

(d) Instructions for reporting facility-acquired infections, including, without limitation, the contact information for making reports to the Health Division; and

(e) Any other information that the medical facility deems necessary.

~~[3. A person or governmental entity who, with reasonable care, informs a patient or the legal guardian or other person authorized by the patient to receive such information that an infection was not acquired at the medical facility and of the apparent source of the infection pursuant to subsection 2 is immune from any criminal or civil liability for providing that information.]~~

Sec. 2.5. 1. Except as otherwise provided in subsection 2, when a provider of health care confirms that a patient at the medical facility has an infection, the provider of health care or the designee of the provider of health care shall, as soon as practicable but not later than 5 days after the diagnosis is confirmed, inform the patient or the legal guardian or other person authorized by the patient to receive such information that the patient has an infection.

2. The provider of health care or the designee of the provider of health care may delay providing information about an infection if the patient does not have a legal guardian, has not authorized any other person to receive such information and:

(a) Is not capable of understanding the information;

(b) Is not conscious; or

(c) In the judgment of the provider of health care, is likely to harm himself or herself if informed about the infection.

3. If the provider of health care or the designee of the provider of health care delays providing information about an infection pursuant to subsection 2, such information must be provided as soon as practicable after:

- (a) The patient is capable of understanding the information;
- (b) The patient regains consciousness;
- (c) In the judgment of the provider of health care, the patient is not likely to harm himself or herself if informed about the infection; or
- (d) A legal guardian or other person authorized to receive such information is available.

4. A medical facility shall ensure that the providers of health care of the medical facility establish protocols in accordance with this section that provide the manner in which a provider of health care or his or her designee must:

- (a) Inform a patient or the legal guardian or other person authorized by a patient to receive such information that the patient has an infection; and
- (b) If known or determined while a patient remains at the medical facility, inform the patient or the legal guardian or other person authorized by the patient to receive such information whether the infection was acquired at the medical facility and of the apparent source of the infection.

5. A person or governmental entity who, with reasonable care, informs a patient or the legal guardian or other person authorized by the patient to receive such information that an infection was not acquired at the medical facility and of the apparent source of the infection pursuant to subsection 4 is immune from any criminal or civil liability for providing that information.

Sec. 3. 1. A medical facility shall designate an officer or employee of the facility to serve as the infection control officer of the medical facility.

2. The person who is designated as the infection control officer of a medical facility:

- (a) Shall serve on the patient safety committee.
- (b) Shall monitor the occurrences of infections at the medical facility to determine the number and severity of infections.
- (c) Shall report to the patient safety committee concerning the number and severity of infections at the medical facility.
- (d) Shall take such action as he or she determines is necessary to prevent and control infections alleged to have occurred at the medical facility.

(e) Shall carry out the provisions of the infection control program adopted pursuant to NRS 439.865 and ensure compliance with the program.

3. If a medical facility has 175 or more beds, the person who is designated as the infection control officer of the medical facility must be certified as an infection preventionist by the Certification Board of Infection Control and Epidemiology, Inc., or a successor organization. A person may serve as the certified infection preventionist for more than one medical facility if the facilities have common ownership.

4. A medical facility that designates an infection control officer who is not a certified infection preventionist must ensure that the person has

successfully completed a nationally recognized basic training program in infection control, which may include, without limitation, the program offered by the Association for Professionals in Infection Control and Epidemiology, Inc., or a successor organization. A medical facility shall ensure that an infection control officer completes at least 4 hours of continuing education each year on topics relating to current practices in infection control and prevention.

5. A medical facility shall ensure that it maintains a ratio of at least one employee who has the training described in subsection 4 for every 100 occupied beds. The number of beds must be determined based upon the most recent annual calendar-year average reported by the medical facility to the Director pursuant to NRS 449.490 and the regulations adopted pursuant thereto.

6. A medical facility shall maintain records concerning the certification and training required by this section.

7. The Health Division shall provide education and technical assistance relating to infection control and prevention in medical facilities.

Sec. 4. NRS 439.800 is hereby amended to read as follows:

439.800 As used in NRS 439.800 to 439.890, inclusive, **and sections 2, 2.5 and 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 439.802 to 439.830, inclusive, have the meanings ascribed to them in those sections.

Sec. 4.5. ~~NRS 439.805 is hereby amended to read as follows:~~

~~439.805 "Medical facility" means:~~

- ~~1. A hospital, as that term is defined in NRS 449.012; [and 449.0151;]~~
- ~~2. An obstetric center, as that term is defined in NRS [449.0151 and] 449.0155;~~
- ~~3. A surgical center for ambulatory patients, as that term is defined in NRS [449.0151 and] 449.019; [and]~~
- ~~4. An independent center for emergency medical care, as that term is defined in NRS 449.013 [and 449.0151.];~~
- ~~5. A facility for intermediate care, as that term is defined in NRS 449.0038; and~~
- ~~6. A facility for skilled nursing, as that term is defined in NRS 449.0039.]~~

(Deleted by amendment.)

Sec. 5. NRS 439.843 is hereby amended to read as follows:

439.843 1. On or before March 1 of each year, each medical facility shall provide to the Health Division, in the form prescribed by the State Board of Health, a summary of the reports submitted by the medical facility pursuant to NRS 439.835 during the immediately preceding calendar year. The summary must include, without limitation:

- (a) The total number and types of sentinel events reported by the medical facility, if any;
- (b) A copy of the **most current** patient safety plan established pursuant to NRS 439.865;

(c) A summary of the membership and activities of the patient safety committee established pursuant to NRS 439.875; and

(d) Any other information required by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835.

2. On or before June 1 of each year, the Health Division shall submit to the State Board of Health an annual summary of the reports and information received by the Health Division pursuant to this section. The annual summary must include, without limitation, a compilation of the information submitted pursuant to subsection 1 and any other pertinent information deemed necessary by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835. The Health Division shall maintain the confidentiality of the reports submitted pursuant to NRS 439.835 and any other information requested by the State Board of Health concerning those reports when preparing the annual summary pursuant to this section.

3. *The Department shall post on the Internet website maintained pursuant to NRS 439A.270 or any other website maintained by the Department a copy of the most current patient safety plan submitted by each medical facility pursuant to subsection 1.*

Sec. 6. NRS 439.865 is hereby amended to read as follows:

439.865 1. Each medical facility that is located within this state shall develop, in consultation with the providers of health care who provide treatment to patients at the medical facility, an internal patient safety plan to improve the health and safety of patients who are treated at that medical facility.

2. *The patient safety plan must include an infection control program to prevent and control infections within the medical facility. To carry out the program, the medical facility shall adopt an infection control policy. The policy ~~may~~ must consist of:*

(a) *The current guidelines appropriate for the facility's scope of service developed by a nationally recognized infection control organization as approved by the State Board of Health which may include, without limitation, the Association for Professionals in Infection Control and Epidemiology, Inc., the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the World Health Organization and the Society for Healthcare Epidemiology of America; and*

(b) *Facility-specific infection control developed under the supervision of a certified infection preventionist. ~~for~~*

~~**(c) *Any combination thereof.***~~

3. *The program to prevent and control infections within the medical facility must provide for the designation of a person who is responsible for infection control when the infection control officer is absent to ensure that someone is responsible for infection control at all times.*

4. A medical facility shall submit its patient safety plan to the governing board of the medical facility for approval in accordance with the requirements of this section.

~~3-1~~ 5. After a medical facility's patient safety plan is approved, the medical facility shall notify all providers of health care who provide treatment to patients at the medical facility of the existence of the plan and of the requirements of the plan. A medical facility shall require compliance with its patient safety plan.

6. *The patient safety plan must be reviewed and updated annually in accordance with the requirements for approval set forth in this section.*

Sec. 7. NRS 439.875 is hereby amended to read as follows:

439.875 1. A medical facility shall establish a patient safety committee.

2. Except as otherwise provided in subsection 3:

(a) A patient safety committee established pursuant to subsection 1 must be composed of:

(1) *The infection control officer of the medical facility.*

(2) The patient safety officer of the medical facility ~~1-1~~, *if he or she is not designated as the infection control officer of the medical facility.*

~~2-1~~ (3) At least three providers of health care who treat patients at the medical facility, including, without limitation, at least one member of the medical, nursing and pharmaceutical staff of the medical facility.

~~3-1~~ (4) One member of the executive or governing body of the medical facility.

(b) A patient safety committee shall meet at least once each month.

3. The Administrator shall adopt regulations prescribing the composition and frequency of meetings of patient safety committees at medical facilities having fewer than 25 employees and contractors.

4. A patient safety committee shall:

(a) Receive reports from the patient safety officer pursuant to NRS 439.870.

(b) Evaluate actions of the patient safety officer in connection with all reports of sentinel events alleged to have occurred at the medical facility.

(c) Review and evaluate the quality of measures carried out by the medical facility to improve the safety of patients who receive treatment at the medical facility.

(d) *Review and evaluate the quality of measures carried out by the medical facility to prevent and control infections at the medical facility.*

(e) Make recommendations to the executive or governing body of the medical facility to reduce the number and severity of sentinel events *and infections* that occur at the medical facility.

~~4-1~~ (f) At least once each calendar quarter, report to the executive or governing body of the medical facility regarding:

(1) The number of sentinel events that occurred at the medical facility during the preceding calendar quarter; ~~and~~

(2) *The number and severity of infections that occurred at the medical facility during the preceding calendar quarter; and*

(3) Any recommendations to reduce the number and severity of sentinel events *and infections* that occur at the medical facility.

5. The proceedings and records of a patient safety committee are subject to the same privilege and protection from discovery as the proceedings and records described in NRS 49.265.

Sec. 8. This act becomes effective ~~1.~~
~~1. Upon~~ **upon** passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out this act ~~1.~~

~~2. Except as provided in subsection 3, 1.~~ **and for all other purposes:**

1. Sections 1 and 2.5 of this act become effective on October 1, 2011.

2. Sections 2 and 4 to 7, inclusive, of this act become effective on January 1, 2012. 1. for all other purposes; and

~~3. On January 1, 2013.~~

3. Section 3 of this act becomes effective on January 1, 2012, except that, for the purpose of the continuing education required by ~~section 3 of this act~~ that section for infection control officers ~~1.~~, it becomes effective on January 1, 2013.

Senator Copening moved that the Senate concur in the Assembly amendment to Senate Bill No. 339.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 197, 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and re-refer to the Committee on Education.

STEVEN A. HORSFORD, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill Nos. 197, 212, be re-referred to the Committee on Education.

Motion carried.

Senator Horsford moved that Assembly Bill No. 528 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 257; Assembly Bills Nos. 2, 78, 117, 152, 202, 204, 212, 232, 291, 294, 358, 374, 384, 388, 390, 463, 489, 530; Assembly Resolution No. 9, Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Randy Soltero.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Tiger Helgelien and Jerry Dorchuck.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Austin Richard Kieckhefer, and Robert Kieckhefer.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Bill Byrnes and Barbara McDonald.

Senator Horsford moved that the Senate adjourn until Thursday, June 2, 2011, at 11 a.m. and that it do so in memory of former Justice Cameron Batjer.

Motion carried.

Senate adjourned at 1:27 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate