

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 5, 2013

Assembly called to order at 11:50 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Duncan and Munford, who were excused, and one vacant.

Prayer by the Chaplain, Pastor Albert Tilstra.

In the midst of all the pressures we face this session, Lord on this legislative day, I offer the ancient priesthood blessing upon Your Old Testament people. Please hear us and continue to bless.

“The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious to you; the Lord turn His face toward you and give you peace.”

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne 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 Government Affairs, to which were referred Assembly Bills Nos. 135, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 14, 24, 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

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

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 3, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 162, 169, 197, 201, 213, 215, 216, 224, 228, 234, 237, 239 and 242.

CINDY JONES
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

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

Amendment No. 78.

AN ACT relating to public lands; revising the provisions governing the Land Use Planning Advisory Council, the membership of the Advisory Council and the appointment of persons to the Advisory Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Land Use Planning Advisory Council, consisting of 17 members appointed by the Governor, advises the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources on matters relating to land use planning and the development of plans and policy statements involving the acquisition of lands under federal management. (NRS 321.740, 321.750) The Executive Council of the Land Use Planning Advisory Council, which includes four persons selected by the Advisory Council from among its members, makes recommendations for land use planning in areas of critical environmental concern and to resolve

inconsistencies between the land use plans of local government entities. (NRS 321.755)

Section 1 of this bill makes various changes to provisions governing the Advisory Council and specifically provides for the addition to the Advisory Council of 1 nonvoting member, to be appointed by the Nevada Association of Counties. **Section 1** also provides that the remaining 17 voting members of the Advisory Council are to be nominated by the boards of county commissioners of the various counties in this State and appointed by the Governor, with 1 member being appointed from each county.

Pursuant to **section 2** of this bill, the term of each current member of the Advisory Council and current member of the Executive Council of the Advisory Council expires on December 31, 2013. **Section 2** further provides that the 17 voting members must be nominated and appointed to initial terms that begin on January 1, 2014, and that current members of the Advisory Council are eligible for appointment to the Advisory Council in accordance with the amendatory provisions of **section 1**. In addition, **section 2** provides for the staggering of the terms of the voting members.

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

Section 1. NRS 321.740 is hereby amended to read as follows:

321.740 1. The Land Use Planning Advisory Council, consisting of 17 *voting* members appointed by the Governor ~~and~~ *and 1 nonvoting member appointed by the Nevada Association of Counties, or its successor organization,* is hereby created. *The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council ~~and~~ who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.*

2. *One voting member must be appointed to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor.* The Governor shall appoint ~~[members who are elected officials or representatives of local political subdivisions, one member from each county.~~

~~3. Members are] the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.~~

3. If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection 2, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:

(a) If one person has been nominated, that person; or

(b) If two or more persons have been nominated, the person listed by the board first in order of preference,

↳ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board shall submit to the Governor the name of a new nominee or a list of new nominees.

4. After the initial terms, each voting member serves a term of 3 years and is eligible for reappointment to the Advisory Council.

5. The nonvoting member of the Advisory Council serves at the pleasure of the Nevada Association of Counties, or its successor organization.

6. At its first meeting each year, the Advisory Council shall elect a Chair from among its members.

7. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

8. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the *per diem allowance and* travel expenses ~~[and subsistence allowances]~~ provided by law for ~~[their positions from the local political subdivisions.]~~ *state officers and employees generally.*

Sec. 2. 1. Notwithstanding the provisions of NRS 232A.020 and 321.755 to the contrary, the term of each member of the Land Use Planning Advisory Council and each member of the Executive Council of the Land Use Planning Advisory Council expires on December 31, 2013. Each such member is eligible for nomination and appointment as a voting member of

the Advisory Council in accordance with the provisions of NRS 321.740, as amended by section 1 of this act.

2. On or after July 1, 2013, the board of county commissioners of each county shall nominate, and the Governor shall appoint, a voting member to the Advisory Council in accordance with the provisions of NRS 321.740, as amended by section 1 of this act, to a term that begins on January 1, 2014.

3. The initial term of the members appointed to the Advisory Council pursuant to subsection 2 as the representatives of:

(a) Carson City, Clark, Douglas, Elko, Lyon and Nye Counties expires on December 31, 2014.

(b) Churchill, Humboldt, Lander, Pershing, Washoe and White Pine Counties expires on December 31, 2015.

(c) Esmeralda, Eureka, Lincoln, Mineral and Storey Counties expires on December 31, 2016.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2013.

2. Section 1 of this act becomes effective on January 1, 2014.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

AN ACT relating to gaming; revising provisions relating to the Gaming Policy Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Gaming Policy Committee and provides for the composition and duties of the Committee. (NRS 463.021) This bill: (1) adds to the Committee a representative of academia who possesses knowledge of matters related to gaming; (2) authorizes the Governor, as Chair of the Committee, to appoint ~~to a subcommittee~~ **an advisory committee** on gaming education; and (3) specifies the duties of the ~~subcommittee~~ **advisory committee**.

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

Section 1. NRS 463.021 is hereby amended to read as follows:

463.021 1. The Gaming Policy Committee, consisting of the Governor as Chair and ~~10~~ **11** members, is hereby created.

2. The Committee must be composed of:

- (a) One member of the Commission, designated by the Chair of the Commission;
- (b) One member of the Board, designated by the Chair of the Board;
- (c) One member of the Senate appointed by the Legislative Commission;
- (d) One member of the Assembly appointed by the Legislative Commission;
- (e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and
- (f) ~~Five~~ **Six** members appointed by the Governor for terms of 2 years as follows:

- (1) Two representatives of the general public;
- (2) Two representatives of nonrestricted gaming licensees; ~~and~~
- (3) One representative of restricted gaming licensees ~~[-]~~; **and**
- (4) ***One representative of academia who possesses knowledge of matters related to gaming.***

3. Members who are appointed by the Governor serve at the pleasure of the Governor.

4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.

5. Except as otherwise provided in subsection 6, the Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are advisory and not binding on the Board or the Commission in the performance of their duties and functions.

6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (e) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.

7. The Governor, as Chair of the Committee, may appoint ~~the subcommittee~~ an advisory committee on gaming education. ~~A subcommittee~~ An advisory committee appointed pursuant to this subsection must:

- (a) Contain not more than five members who serve at the pleasure of the Governor; and***
- (b) Be chaired by the person selected as chair ~~of the subcommittee~~ by the Governor.***

8. ~~A subcommittee~~ An advisory committee created pursuant to subsection 7 shall:

(a) *Review and evaluate all ~~public~~ gaming-related educational entities in this State, including, without limitation, the Culinary Academy of Las Vegas, the Institute for the Study of Gambling and Commercial Gaming of the University of Nevada, Reno, and the UNLV International Gaming Institute of the William F. Harrah College of Hotel Administration of the University of Nevada, Las Vegas, to determine how to align such entities with the needs of the gaming industry;*

(b) *Study and analyze the workforce and technology needs of the gaming industry to determine how the gaming-related educational entities may satisfy those needs;*

(c) *Study the potential for leveraging gaming-related competencies and technologies developed by gaming-related educational entities into other industries; and*

(d) *Report any findings and recommendations to the Committee.*

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 13.

Bill read second time.

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

Amendment No. 11.

AN ACT relating to relations between governments and public employees; revising provisions governing the period during which the Local Government Employee-Management Relations Board is required to conduct certain hearings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 288 of NRS, the Local Government Employee-Management Relations Act, creates the Local Government Employee-Management Relations Board. (NRS 288.080) In carrying out its duties under the Act, the Board is authorized to hear and determine complaints arising out of the interpretation of, or performance under, the Act by any local government employer, local government employee or employee organization. Existing law requires the Board to conduct a hearing within 90 days after the Board decides to hear a complaint. (NRS 288.110) This bill ~~removes the requirement that~~ **requires the Board to conduct** such a hearing ~~to be conducted~~ within ~~90~~ **180** days after the Board decides to hear a complaint.

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

Section 1. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

- (a) Proceedings before it;
- (b) Procedures for fact-finding;
- (c) The recognition of employee organizations; and
- (d) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization. ~~The If the Board decides to hear a complaint, the~~ Board shall conduct a hearing ~~+/ within [90]~~ 180 days after it decides to hear a complaint. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. The Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

- (a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or
- (b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

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

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 16.

Bill read second time.

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

Amendment No. 12.

SUMMARY—Provides for the ~~adoption,~~ compilation and publication of ~~policies of operation for state agencies by the State Board of Examiners,~~ **the State Administrative Manual.** (BDR 18-212)

AN ACT relating to the State Government; ~~requiring the Department of Administration to compile and publish an administrative manual,~~ **providing for the compilation and publication of the State Administrative Manual,** consisting of the policies **and procedures** adopted and amended by the State Board of Examiners for the Executive Branch of State Government; ~~providing special authority and,~~ **establishing** notice requirements for the adoption, amendment and repeal of such policies ~~and ratifying the policies currently in effect,~~ **and procedures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Administration currently publishes the State Administrative Manual, a compilation of policies governing the internal operation of all agencies of the Executive Branch of the State Government. This bill provides specific statutory authority and notice requirements for adopting, amending and repealing these policies and provides specific requirements for compiling and publishing such a manual.

Section 1 of this bill requires the **Director of the Department of Administration, or the Chief of the Budget Division of the Department if the Director does not serve as the Chief,** to compile and publish an administrative manual consisting of the policies ~~described above, as,~~ **and procedures** adopted or amended by the State Board of Examiners. ~~Section 3 of this bill provides that the special provisions of section 7 of this bill, authorizing the Board to adopt, amend or repeal such policies, prevail over the general provisions of the Nevada Administrative Procedure Act to the extent of any conflict between those provisions. Section 7~~ **1** also establishes certain procedural requirements to be met by the ~~Board in adopting, amending or repealing,~~ **Director or the Chief, as applicable, in connection with the adoption, amendment or repeal of** such policies ~~and ratifying the policies set forth in the State Administrative Manual as those policies existed before the effective date of this bill,~~ **and procedures.**

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~Department~~ State Administrative Manual is hereby created. The Director, or the Chief of the Budget Division of the Department if the

~~Director does not serve as the Chief, shall compile and publish an administrative manual consisting of the~~ in the State Administrative Manual any policies and procedures adopted or amended by the State Board of Examiners pursuant to ~~section 7 of this act.~~

~~2. The Department shall cause a copy of the current version of the administrative manual to be posted on the primary Internet website maintained by the State Government. The copy must be accessible through a conspicuous link to the manual that appears on the main page of that website.~~ NRS 353.040.

2. In addition to complying with the requirements of NRS 241.020, the Director or the Chief, as applicable, shall, not later than 30 days before presenting to the State Board of Examiners any policy or procedure for adoption, amendment or repeal, cause notice of the proposed action to be posted on the Internet website used by the State Board of Examiners to provide public notice of its meetings. The notice must:

(a) Be accessible through a conspicuous link that appears on the main page of that website;

(b) Include the full text of the policy or procedure proposed to be adopted, amended or repealed, clearly setting forth any language proposed for addition to or deletion from the policy or procedure;

(c) Solicit the submission of written comments by any interested person to the Director or the Chief, as applicable, for transmittal to the State Board of Examiners, concerning its proposed action and set forth the address for the submission of such comments and the deadline for submission applicable pursuant to subsection 3; and

(d) Set forth the date on which the adoption, amendment or repeal of the policy or procedure becomes effective if action is taken as proposed.

3. Any written comments submitted to the Director or the Chief, as applicable, pursuant to subsection 2 must be submitted not later than 5 working days before the meeting at which the proposed adoption, amendment or repeal is to be considered by the State Board of Examiners and must be entered into the record of the Board.

Sec. 2. NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.227, inclusive, **and section 1 of this act**, unless the context requires otherwise:

1. “Department” means the Department of Administration.
2. “Director” means the Director of the Department.

Sec. 2.5. NRS 353.040 is hereby amended to read as follows:

353.040 The State Board of Examiners shall have authority to establish ~~rules and regulations~~ policies and procedures for its government not inconsistent with law.

~~Sec. 3. [NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor;~~

~~(b) Except as otherwise provided in NRS 209.221, the Department of Corrections;~~

~~(c) The Nevada System of Higher Education;~~

~~(d) The Office of the Military;~~

~~(e) The State Gaming Control Board;~~

~~(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission;~~

~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services;~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services;~~

~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS;~~

~~(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer;~~

~~(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375;~~

~~(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260;~~

~~(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830;~~

~~(n) The Silver State Health Insurance Exchange;~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case;~~

~~3. The special provisions of:~~

~~(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; [and]~~

~~(d) NRS 90.800 for the use of summary orders in contested cases [.] ; and~~

~~—(c) Section 7 of this act for the adoption, amendment and repeal of policies by the State Board of Examiners,~~

~~→ prevail over the general provisions of this chapter.~~

~~—4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~—5. The provisions of this chapter do not apply to:~~

~~—(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~—(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~—(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or~~

~~—(d) The judicial review of decisions of the Public Utilities Commission of Nevada.~~

~~—6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.] (Deleted by amendment.)~~

~~Sec. 4. [NRS 285.016 is hereby amended to read as follows:~~

~~—285.016 “State agency” has the meaning ascribed to it in NRS 281.195, except that the term does not include a board which is [exempt from the provisions of chapter 353 of NRS pursuant to] *described in* NRS 353.005.]~~

~~(Deleted by amendment.)~~

~~Sec. 5. [NRS 331.070 is hereby amended to read as follows:~~

~~—331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law except for any buildings, grounds or other properties owned or leased by boards that are [exempt from the provisions of chapter 353 of NRS pursuant to] *described in* NRS 353.005.~~

~~—2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~—3. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied~~

~~by such officers, departments, boards, commissions or agencies.] (Deleted by amendment.)~~

~~Sec. 6. [NRS 331.120 is hereby amended to read as follows:~~

~~331.120 1. Except as otherwise provided in NRS 331.130 and 331.135, the Administrator shall assign the rooms in the Capitol Building, and rooms elsewhere used by the State, and shall determine the occupancy thereof in such manner as the public service may require.~~

~~2. The executive and administrative officers, departments, boards, commissions and agencies of the State must be provided with suitable quarters which must, so far as is expedient, be in Carson City. As used in this subsection, "boards" does not include boards that are [exempt from the provisions of chapter 353 of NRS pursuant to] *described in* NRS 353.005.~~

~~3. The Administrator shall provide suitable office space for the use of the Governor Elect and expend money for incidental expenses connected therewith. The provisions of this subsection do not apply if the incumbent Governor is elected to succeed himself or herself.~~

~~4. The Administrator may provide suitable space in the Capitol Building for the permanent use of accredited members of the press and for the installation of communication equipment.] (Deleted by amendment.)~~

~~Sec. 7. [Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The State Board of Examiners may adopt, amend and repeal policies, not inconsistent with applicable law, governing the internal operation of:*~~

~~*(a) Any agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government, including, without limitation, any agency, board or commission which has the authority to regulate an occupation or profession pursuant to title 54 of NRS; and*~~

~~*(b) Except to the extent any such policy conflicts with a regulation adopted by the Board of Regents of the University of Nevada, the Nevada System of Higher Education.*~~

~~*2. In addition to complying with the requirements of NRS 241.020, the State Board of Examiners shall, not less than 30 days before adopting, amending or repealing any policy pursuant to this section, cause notice of its proposed action to be posted on the Internet website used to provide public notice of its meetings. The notice must:*~~

~~*(a) Be accessible through a conspicuous link that appears on the main page of that website;*~~

~~*(b) Include the full text of the policy proposed to be adopted, amended or repealed, clearly setting forth any language proposed for addition to or deletion from the policy;*~~

~~(c) Solicit the submission of written comments by any interested person to the Board concerning its proposed action, setting forth the address for the submission of such comments and the deadline for submission applicable pursuant to subsection 3; and~~

~~(d) State the date on which the adoption, amendment or repeal of the policy becomes effective if action is taken as proposed.~~

~~3. Any written comments submitted to the State Board of Examiners pursuant to subsection 2 must be submitted to the Board not less than 5 working days before the meeting at which the proposed adoption, amendment or repeal is to be considered by the Board. Any such comments must be entered into the record of the Board.] (Deleted by amendment.)~~

Sec. 8. [NRS 353.005 is hereby amended to read as follows:

~~353.005 [The] Except as otherwise provided in section 7 of this act, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards.] (Deleted by amendment.)~~

~~Sec. 9. [The Legislature hereby approves, confirms and ratifies the policies adopted by the State Board of Examiners before the effective date of this act, as set forth in the State Administrative Manual as most recently published by the Department of Administration before that date.] (Deleted by amendment.)~~

~~Sec. 10. This act becomes effective [upon passage and approval.] on January 1, 2014.~~

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 19.

Bill read second time.

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

Amendment No. 41.

SUMMARY ~~[Transfers the duties of the State Advisory Board of Trustees for the Trust Relating to the Fairground to]~~ **Revises provisions governing** the Nevada Junior Livestock Show Board. (BDR 50-322)

AN ACT relating to governmental administration; **providing for the nomination and appointment of an additional member to the Nevada Junior Livestock Show Board;** transferring the duties of the State Advisory Board of Trustees for the Trust Relating to the Fairground to the Nevada

Junior Livestock Show Board; abolishing the State Advisory Board of Trustees for the Trust Relating to the Fairground; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Junior Livestock Show Board, consisting of seven members appointed by the Governor. (NRS 563.020, 563.030) Section 1 of this bill increases the number of members on the Board to eight. Section 2 of this bill requires the additional member of the Board to be a member of the Reno Rodeo Association nominated by its President.

Existing law also creates the State Advisory Board of Trustees for the Trust Relating to the Fairground and requires the Advisory Board to perform certain duties relating to the real property leased to Washoe County for use as a fairground. (NRS 551.020) ~~Section 4~~ Section 4 of this bill abolishes the Advisory Board. ~~Section 3~~ Section 3 of this bill transfers the duties of the Advisory Board to the Nevada Junior Livestock Show Board.

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

Section 1. NRS 563.020 is hereby amended to read as follows:

563.020 The Nevada Junior Livestock Show Board ~~shall be composed~~ consists of ~~seven~~ eight members ~~to be~~ appointed by the Governor.

Sec. 2. NRS 563.030 is hereby amended to read as follows:

563.030 1. One member of the Board must be a member of the teaching staff of the College of Agriculture, Biotechnology and Natural Resources of the University of Nevada, Reno.

2. One member of the Board must be a member of the staff of the University of Nevada Cooperative Extension.

3. One member of the Board must be a secondary agriculture educator nominated by the agriculture education program professional at the Department of Education.

4. One member of the Board must be a member of the Reno Rodeo Association nominated by its President.

5. Four members of the Board must be persons concerned with the raising and improving of livestock in the State of Nevada, not necessarily stock raisers, selected as follows:

- (a) Two persons whose interest is in cattle and sheep;
- (b) One person whose interest is in general agriculture; and
- (c) One person whose interest is in dairying.

~~Section 6.~~ Section 6. All members must be residents of the State of Nevada.

~~Section 1.~~ Section 3. NRS 563.080 is hereby amended to read as follows:

563.080 1. The Board shall have possession and care of all property of the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show and shall be entrusted with the direction of the entire business and financial affairs of these exhibitions.

2. The Board may:

(a) Appoint employees and define their duties.

(b) Adopt bylaws, rules and regulations for the government of the Nevada Junior Livestock Show Board, the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show and for all exhibitions of livestock.

(c) Acquire or lease real and personal property, buildings and improvements.

3. *The Board shall review:*

(a) *All uses of the real property leased to Washoe County for use as a fairground; and*

(b) *Any physical improvements or changes to the facilities at the fairground,*

↪ to ensure that the use of the property for purposes related to agriculture and livestock continues to comply with the provisions of the trust relating to the fairground imposed upon the conveyance.

~~{Sec. 2.}~~ Sec. 4. NRS 551.020 is hereby repealed.

Sec. 5. 1. As soon as practicable after the effective date of this act, the President of the Reno Rodeo Association shall:

(a) Nominate the member of the Nevada Junior Livestock Show Board described in subsection 4 of NRS 563.030, as amended by section 2 of this act; and

(b) Submit the name and address of the person nominated to the Governor.

2. Upon receipt of the name and address of the person nominated pursuant to subsection 1, the Governor shall appoint that person to serve as a member of the Nevada Junior Livestock Show Board.

~~{Sec. 3.}~~ Sec. 6. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

551.020 State Advisory Board of Trustees for Trust Relating to Fairground: Creation; number, appointment and qualifications of members; duties.

1. The State Advisory Board of Trustees for the Trust Relating to the Fairground, consisting of ten members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) As representatives of the Nevada State Fair Board, its President and Manager.

(b) As representatives of the Reno Rodeo Association, its President and Vice President.

(c) A representative of the 4-H Club Leaders' Council.

(d) A representative of the Nevada Junior Livestock Show Board.

(e) A member of the Legislature.

(f) A representative of the Nevada State Horsemen's Association.

(g) A prominent member of one of the cattle breeders' associations in the State, to represent those associations.

(h) A person engaged in a business related to farming or ranching.

3. The Board shall review:

(a) All uses of the real property leased to Washoe County for use as a fairground.

(b) Any physical improvements or changes to the facilities at the fairground,

↳ to ensure that the use of the property for purposes related to agriculture and livestock continues in compliance with the trust provisions imposed upon the conveyance.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 65.

AN ACT relating to crimes; revising provisions governing the community notification website which provides certain information to the public concerning sex offenders and offenders convicted of a crime against a child; amending provisions concerning the confidentiality of the content of the record of registration of a sex offender or offender convicted of a crime against a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Public Safety to establish and maintain a community notification website to provide the public with certain information concerning certain sex offenders and offenders convicted of a crime against a child. (NRS 179B.250) **Section 1** of this bill establishes the community notification website as the source of record for information concerning sex offenders and offenders convicted of a crime against a child. **Section 1** also removes the requirement that the Central Repository for Nevada Records of Criminal History maintain a log of each inquiry to the community notification website.

Existing law authorizes, except as otherwise provided by specific statute, only a law enforcement officer or the offender named in the record to inspect the record of registration of a sex offender or offender convicted of a crime against a child. (NRS 179D.160) **Section 2** of this bill provides that, except as otherwise provided by specific statute, the contents of a record of registration are confidential and not subject to ~~subpoena, discovery or~~ public inspection.

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

Section 1. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. The community notification website *is the source of record for information available to the public concerning offenders listed in the statewide registry, and* must:

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester may provide:

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

4. For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of registration and community notification that are assigned to sex offenders pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.

5. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository shall disclose to the requester information in the statewide registry concerning the offender as provided pursuant to subsection 6.

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; or

(c) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. Except as otherwise provided in subsection 7, if a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides or will reside.

(6) The address of any location where the offender is or will be:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The license plate number and a description of any motor vehicle owned or operated by the offender.

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to and the text of the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

(9) The tier level of registration and community notification assigned to the offender pursuant to NRS 179D.010 to 179D.550, inclusive.

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph (c) of subsection 6, the Central Repository shall not provide the requester with:

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless the offender has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph (c) of subsection 6; or

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

~~8. [For each inquiry to the community notification website, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.]~~

~~9.]~~ A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~10.]~~ **9.** The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

~~HH-10~~ 10. As used in this section, “Tier I offender” has the meaning ascribed to it in NRS 179D.113.

Sec. 2. NRS 179D.160 is hereby amended to read as follows:

179D.160 1. Except as otherwise provided by specific statute, *the contents of* a record of registration ~~[may]~~:

(a) *Are confidential* ~~[, not subject to subpoena or discovery,]~~ *and not subject to inspection by the general public.*

(b) *May* be inspected only by a law enforcement officer in the regular course of the law enforcement officer’s duties or by the offender named in the record of registration.

2. As used in this section, “law enforcement officer” includes, but is not limited to:

(a) A prosecuting attorney or an attorney from the Office of the Attorney General;

(b) A sheriff of a county or a sheriff’s deputy;

(c) An officer of a metropolitan police department or a police department of an incorporated city;

(d) An officer of the Division;

(e) An officer of the Department of Corrections;

(f) An officer of a law enforcement agency from another jurisdiction; or

(g) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the person is seeking information as part of a criminal investigation.

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 40.

Bill read second time and ordered to third reading.

Assembly Bill No. 45.

Bill read second time.

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

Amendment No. 13.

AN ACT relating to the Department of Administration; revising provisions governing the duties of the Division of State Library and Archives of the Department of Administration; eliminating the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the

Operation of Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a list of specific items that the State Library and Archives Administrator is required to keep custody of and preserve. (NRS 378.245) **Section 1** of this bill eliminates the description of the State Seal and other such seals and expired official bonds approved by the Governor from the list.

Existing law allows the Administrator to inspect the physical nature of governmental records in the custody of a state or local governmental agency that are not confidential or privileged. (NRS 378.255) **Section 2** of this bill expands the ~~inspection~~ authority of the Administrator to ~~include confidential or privileged~~ **inspect** information in records in the custody of state or local governmental agencies **and to inspect the physical nature of and information contained in such records that are confidential or privileged under certain circumstances.** **Section 2 also requires an inspection of confidential or privileged records to be logged** and prohibits the Administrator from disclosing any such confidential or privileged information.

Under existing law, the Division of State Library and Archives of the Department of Administration is required to provide microfilming services to state agencies and local governments. (NRS 239.070, 378.280) **Sections 3 and 7** of this bill require the Division to also provide digital imaging services to those governmental entities. **Section 2** of this bill authorizes the Division to provide microfilming and digital imaging services for the records of the Legislative and Judicial Branches of State Government, upon request.

Section 10 of this bill eliminates the authority of the Administrator to enter into an agreement with the Secretary of State to keep and preserve material for the Secretary of State. (NRS 378.260) **Section 10** also eliminates certain fees that are duplicative of fees that a governmental entity is generally authorized to charge. (NRS 239.052, 239.055) Finally, **section 10** eliminates the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the Operation of Government, which was created to store and maintain information submitted concerning ways to increase citizen participation in government. (NRS 378.400) **Sections 4-6, 8 and 9** of this bill make conforming changes relating to the elimination of the Repository, including requiring that documents and information currently submitted to the Repository be sent to the Division of State Library and Archives.

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

Section 1. NRS 378.245 is hereby amended to read as follows:

378.245 1. The State Library and Archives Administrator has custody of and shall carefully preserve in the Division:

(a) The enrolled copy of the Constitution of the State of Nevada.

(b) ~~[(The description of the State Seal and other seals of which a description may be required to be deposited in the Division.]~~

~~[(e)]~~ The proceedings and all papers of the two Constitutional Conventions held for the purpose of framing a Constitution of this State.

~~[(d)]~~ (c) The manuscripts containing the enrolled acts and joint resolutions and journals of the Legislature of this State and the Territory of Nevada.

~~[(e)]~~ (d) The records, papers and documents of Carson County, Utah Territory, and all other books, records and documents which, by the laws of the Territory of Nevada, were required to be deposited and kept in the office of the Secretary of the Territory of Nevada.

~~[(f)]~~ (e) All the books, records, parchments, maps, registers, papers and other material required to be deposited or kept in the Division.

~~[(g) All expired official bonds approved by the Governor.]~~

2. The State Library and Archives Administrator shall not permit the original papers and other material to be taken out of the archives unless he or she determines that the circumstances ensure the safety and integrity of the papers and other material.

Sec. 2. NRS 378.255 is hereby amended to read as follows:

378.255 The State Library and Archives Administrator may:

1. Adopt regulations and establish standards, procedures and techniques for the effective management of records.

2. Make continuing surveys of current practices for the management of records and recommend improvements in those practices, including the use of space, equipment and supplies to create, maintain and store records.

3. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposition of state records which no longer possess sufficient administrative, fiscal, legal or research value to warrant their further retention.

4. Establish, maintain and operate a center for storing and retrieving records for state agencies pending the acceptance of the records by the Division or the disposition of the records in any other manner prescribed by law.

5. Establish a program for ~~[(the control and management of forms, files, reports, directives and correspondence.)]~~ *providing microfilming and digital*

imaging services for the records of the Legislative and Judicial Branches of State Government, upon request.

6. Establish a program of planning and preparation to assist state agencies and local governments in providing protection for records essential for the continuation or re-establishment of government in the event of a disaster.

7. Provide advice and technical assistance to state agencies, local governmental ~~entities~~ **agencies** and, if requested, the Legislative and Judicial Branches of State Government concerning any aspect of managing records.

8. Through the Division, inspect the physical nature of **, and information contained in,** governmental records in the custody of a state or local governmental agency ~~, including, without limitation, information in governmental records~~ which are not ~~is~~ confidential or privileged.

9. **Through the Division, inspect the physical nature of, and information contained in, confidential or privileged governmental records in the custody of a state or local governmental agency if the inspection is necessary to carry out the provisions of subsection 3, 5, 6 or 7 and if the inspection is not prohibited by any federal law or regulation. Inspections must be logged as required pursuant to NRS 239C.230. The ~~Administrator~~ Division shall not disclose any confidential or privileged information in governmental records inspected pursuant to this subsection, and such inspection does not alter, affect, abrogate or waive the confidential or privileged status of the information.**

10. With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, bring an action to obtain possession of the records of a state or local governmental agency which are:

- (a) Of historical value and are not being properly cared for; or
- (b) Privately held.

➔ In an action to recover a record which is privately held, it is rebuttably presumed that a governmental record which appears to be the original of a document received or the file copy of a document made by a governmental agency is governmental property.

Sec. 3. NRS 378.280 is hereby amended to read as follows:

378.280 1. Except as otherwise provided in subsection 2, the State Library and Archives Administrator shall establish and administer a program for the efficient and economical creation, use, maintenance, retention, preservation , ***including, without limitation, microfilming and digital imaging,*** and disposition of the records of the Executive Branch of the Government of the State of Nevada.

2. The Director of the Department of Transportation may establish a program for the management of the Department's records, if the Director confers with the State Library and Archives Administrator regarding the program. The program must incorporate generally accepted practices for managing records.

Sec. 4. NRS 225.200 is hereby amended to read as follows:

225.200 As used in NRS 225.200 to 225.270, inclusive, unless the context otherwise requires, the words and terms defined in NRS 225.210 ~~¶~~ **and** 225.220 ~~and 225.230~~ have the meanings ascribed to them in those sections.

Sec. 5. NRS 225.250 is hereby amended to read as follows:

225.250 1. The Advisory Committee shall:

(a) ~~Advise the Director of the Department of Administration concerning the Repository and make recommendations to support greater use of the Repository and collection of materials for the Repository;~~

~~(b)~~ Assist the Secretary of State in identifying and proposing programs that support participatory democracy and solutions to any problem concerning the level of participatory democracy, including, without limitation, proposing methods to involve the news media in the process of addressing and proposing solutions to such a problem;

~~(e)~~ (b) Make recommendations to and discuss recommendations with the Secretary of State concerning matters brought to the attention of the Advisory Committee that relate to a program, activity, event or any combination thereof designed to increase or facilitate participatory democracy, including, without limitation, the interaction of citizens with governing bodies in the formulation and implementation of public policy;

~~(d)~~ (c) Establish a "Jean Ford Democracy Award" to honor citizens who perform exemplary service in promoting participatory democracy in this State;

~~(e)~~ (d) Support projects by national, state and local entities that encourage and advance participatory democracy, including programs established by the National Conference of State Legislatures, the State Bar of Nevada, and other public and private organizations; and

~~(f)~~ (e) Advise the Secretary of State and the Governor concerning the substance of any proclamation issued by the Governor pursuant to NRS 236.035.

2. The Advisory Committee may establish a panel to assist the Advisory Committee in carrying out its duties and responsibilities. The panel may consist of:

(a) Representatives of organizations, associations, groups or other entities committed to improving participatory democracy in this State, including, without limitation, representatives of committees that are led by youths and

established to improve the teaching of the principles of participatory democracy in the schools, colleges and universities of this State; and

(b) Any other interested persons with relevant knowledge.

Sec. 6. NRS 236.035 is hereby amended to read as follows:

236.035 1. The Governor may annually proclaim the third week in September to be “Constitution Week” and September 17 to be “Constitution Day” to commemorate the historical contributions that the United States Constitution has made to citizens and its significance in preserving the individual freedoms, liberties and common welfare of the people who live in the United States of America.

2. The proclamation may:

(a) Call upon the news media, educators, state and local officers, professional, business and labor leaders, and others in positions of authority or influence to bring to the attention of the citizens of this State the importance of the United States Constitution in shaping and articulating the basic values that underlie the unique character of American civilization and culture, based on the belief that sovereignty emanates from the people who comprise a society and that governmental authority is based upon the consent of the governed;

(b) Encourage elected and appointed officers and employees at all levels of government and in all public and educational institutions to develop new programs and new ideas by which the citizens of this State and nation can:

(1) Better understand and improve the effectiveness of all branches of government established within the American constitutional system; and

(2) Increase the extent and quality of their participation in the development of public policy and the improvement of the operation of government at all levels;

(c) Encourage citizens of this State to assist elected and appointed officers and employees at all levels of government, and in all public and educational institutions, to develop new programs and new ideas to increase the extent and quality of the participation of the citizens of this State in the development of public policy and the improvement of the operation of government at all levels;

(d) Direct interested citizens and appropriate officers and agencies to develop recommendations by which federal, state and local policies for the preservation of historical records can be formulated and put into effect, so that the cultural and informational resources that are essential to a constitutional form of government are preserved and made accessible to present and future generations of citizens;

(e) Remind all citizens that the preservation of the American constitutional form of government, and the freedom and liberty guaranteed

by the United States Constitution, are based upon the responsibility of each citizen to uphold and defend the Constitution; and

(f) Request all citizens to submit any information they may have concerning a program, activity, event, proposal or any other action to increase the extent and quality of participation of citizens in the:

- (1) Development of public policy; and
- (2) Improvement of the operation of government at all levels,

→ to the ~~repository created pursuant to NRS 378.400.~~ ***Division of State Library and Archives of the Department of Administration.***

Sec. 7. NRS 239.070 is hereby amended to read as follows:

239.070 1. In lieu of or in addition to the method of recording required or allowed by statute, the county recorder may use microfilm ***or digital images*** for such recording.

2. The Division shall provide microfilming ~~service~~ ***or digital imaging services*** to any local government. The charge for the service must not exceed the actual cost ~~of providing the services.~~

3. If microfilming ***or digital imaging*** is used:

(a) The microphotographs, ~~or~~ micronegative films ***or digital images*** must be properly indexed and placed in conveniently accessible files.

(b) Each film ***or digital image*** must be designated and numbered.

(c) Provision must be made for preserving, examining and using the films ~~or digital images.~~

4. A duplicate of each such film ***or digital image*** must be made and kept safely in a separate place.

5. Duplicates of each such film ***or digital image*** must be made available by the county recorder for sale at a price not exceeding cost upon the request of any person, firm or organization. Subject to the approval of the board of county commissioners, the county recorder may, at any time, make additional duplicates of each such film ***or digital image*** available for sale to the public at a price not exceeding cost.

6. The Division shall provide services for recording other than microfilming ***or digital imaging*** to any local government if the Division has the equipment necessary to provide the services. The services provided are subject to the requirements of this section relating to microfilming ~~or digital imaging.~~

Sec. 8. NRS 244.1615 is hereby amended to read as follows:

244.1615 A board of county commissioners may institute a program or sponsor an activity, event or any other action designed to increase the extent and quality of participation of the residents of the county in the development of public policy and the improvement of the operation of government at all levels. The board may submit a report of any action taken pursuant to this

section to the ~~Repository created pursuant to NRS 378.400.]~~ ***Division of State Library and Archives of the Department of Administration.***

Sec. 9. NRS 268.920 is hereby amended to read as follows:

268.920 The city council or other governing body of an incorporated city may institute a program or sponsor an activity, event or any other action designed to increase the extent and quality of participation of the residents within the incorporated city in the development of public policy and the improvement of the operation of government at all levels. The city council or other governing body of an incorporated city may submit a report of any action taken pursuant to this section to the ~~Repository created pursuant to NRS 378.400.]~~ ***Division of State Library and Archives of the Department of Administration.***

Sec. 10. NRS 225.230, 378.120, 378.260 and 378.400 are hereby repealed.

Sec. 11. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

225.230 “Repository” defined.

378.120 Charges for copy of papers and documents and duplicate of roll of microfilm.

378.260 Agreement to maintain material of Secretary of State in archives.

378.400 Creation; contents; powers and duties of Director; Advisory Committee.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 37.

SUMMARY—Revises the ~~circumstances under~~ **manner in** which the State Board of Equalization must provide notice of a proposed increase in the valuation of property. (BDR 32-301)

AN ACT relating to property tax; revising the ~~circumstances under~~ **manner in** which the State Board of Equalization must provide notice of a proposed increase in the valuation of property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Equalization is required to give notice to interested persons if it proposes to increase the valuation of any property on the assessment roll. (NRS 361.395) This bill ~~limits~~ **requires** the Board to give notice ~~only~~ : **(1) by first-class mail to interested persons if the Board proposes to increase the property values of a class or group of properties; and (2) by registered or certified mail to interested persons if the Board proposes to increase property values** in a proceeding to resolve an appeal or other complaint before the Board ~~if~~ **pursuant to NRS 361.360, 361.400 or 361.403.**

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

Section 1. NRS 361.395 is hereby amended to read as follows:

361.395 1. During the annual session of the State Board of Equalization beginning on the fourth Monday in March of each year, the State Board of Equalization shall:

(a) Equalize property valuations in the State.

(b) Review the tax rolls of the various counties as corrected by the county boards of equalization thereof and raise or lower, equalizing and establishing the taxable value of the property, for the purpose of the valuations therein established by all the county assessors and county boards of equalization and the Nevada Tax Commission, of any class or piece of property in whole or in part in any county, including those classes of property enumerated in NRS 361.320.

2. If the State Board of Equalization ~~[, in a proceeding to resolve an appeal or other complaint before the Board,]~~ proposes to increase the valuation of any property on the assessment roll ~~if~~ :

(a) Pursuant to paragraph (b) of subsection 1, it shall give 10 days' notice to interested persons by first-class mail.

(b) In a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403, it shall give 10 days' notice to interested persons by registered or certified mail or by personal service. ~~[The]~~

↪ A notice provided pursuant to this subsection must state the time when and place where the person may appear and submit proof concerning the valuation of the property. A person waives the notice requirement if he or she personally appears before the Board and is notified of the proposed increase in valuation.

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

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.
 Amendment adopted.
 Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 69.
 Bill read second time.

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

Amendment No. 74.

SUMMARY—~~[Requires]~~ **Revises provisions governing the location of** a crematory for human remains. ~~[to be located in a certain area.]~~ (BDR 40-25)

AN ACT relating to crematories; ~~[requiring]~~ **revising provisions governing the location of** a crematory for human remains; ~~[to be located in a certain area.];~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may not cremate any human remains except in a crematory whose operator is licensed by the Nevada State Funeral Board. (NRS 451.635) Existing law further provides that a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location of the crematory is zoned for commercial or industrial use or at any other location where local zoning permits. (NRS 451.645) **Section 1** of this bill imposes an additional ~~[requirement]~~ **restriction** upon the operation of a crematory **that is proposed to be located in an incorporated city whose population is 60,000 or more (currently Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or in an unincorporated town that is contiguous to such an incorporated city** by prohibiting ~~[a person from cremating any human remains in the crematory unless the crematory is located in an area which is zoned for industrial use and which is at least 1,000 feet from any area which is not zoned for that use.]~~ **the Board from issuing a license to the applicant unless the proposed location of all structures associated with the crematory are: (1) in an area which is zoned for mixed, commercial or industrial use; and (2) at least 1,500 feet from the boundary line of any parcel zoned for residential use.** Section 1 also requires the Board to examine the location of ~~[such]~~ a crematory when issuing a license to the operator of the crematory. ~~[.]~~ **to determine whether any restriction relating to the location of the crematory is applicable.** Section 2 of this bill ~~[revises]~~ **makes** the ~~[requirements for the operation of]~~ **additional restriction relating to the location of a crematory apply to** a crematory which is **proposed to be erected** on or adjacent to a cemetery or funeral home ~~[by requiring the crematory to be in a location specified in section 1.]~~ **in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated**

city. Section 3 of this bill provides that the new ~~requirements for the operation of a crematory for human remains do~~ **restriction relating to the location of a crematory does** not apply to a crematory whose operator is the holder of a license issued or renewed by the Board before October 1, 2013.

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

Section 1. NRS 451.635 is hereby amended to read as follows:

451.635 1. No person may cremate human remains except in a crematory ~~whose~~ ~~≠~~

~~(a) That is located in an area which is zoned for industrial use and which is at least 1,000 feet from any area which is not zoned for that use; and~~

~~(b) Whose~~ operator is licensed by the Nevada State Funeral Board.

2. **If a crematory is proposed to be located in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated city, the Board shall not issue a license to the applicant unless the proposed location of all structures associated with the crematory are:**

(a) In an area which is zoned for mixed, commercial or industrial use; and

(b) At least 1,500 feet from the boundary line of any parcel zoned for residential use.

3. The Board shall prescribe and furnish forms for application for licensing. An application must be in writing and contain:

(a) The name and address of the applicant and the location or proposed location of the crematory;

(b) A description of the structure and equipment to be used in operating the crematory; and

(c) Any further information that the Board may reasonably require.

~~3.4~~ **4.** An application must be signed by the applicant personally, by one of the partners if the applicant is a partnership, or by an authorized officer if the applicant is a corporation or other form of business organization.

~~4.4~~ **5.** The Board shall examine the ~~location,~~ structure and equipment **and, if applicable, the location** and shall issue the license if:

(a) It appears that the proposed operation will meet the requirements of NRS 451.600 to 451.715, inclusive; and

(b) The applicant has paid all fees related to the application.

~~5.4~~ **6.** If the ownership of a crematory is to be changed, the proposed operator shall apply for licensing at least 30 days before the change.

Sec. 2. NRS 451.645 is hereby amended to read as follows:

451.645 1. A cemetery or funeral home may erect and conduct a crematory if licensed as the operator.

2. ~~[(A)]~~ Except as otherwise provided in subsection 2 of NRS 451.635, a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location is zoned for commercial or industrial use, or at any other location where the local zoning permits. ~~crematory is in a location specified in NRS 451.635.]~~ A crematory must conform to all local building codes and environmental standards.

3. The operator of a crematory may contract with or employ a licensed funeral director to:

- (a) Deal with the public in arranging for cremations;
- (b) Transport human remains to the crematory; or
- (c) Distribute, fill out or obtain the return of necessary papers.

↪ This subsection does not require the performance of any act by a licensed funeral director unless other law requires that such an act be performed only by him or her.

Sec. 3. The amendatory provisions of this act do not apply to a crematory which has been lawfully and continuously operated as a crematory since before October 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 36.

AN ACT relating to property tax; revising provisions governing the publication of property tax rolls ~~;~~ ~~in larger counties;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county assessor is required to prepare and publish in a newspaper of general circulation in the county a list of all the taxpayers on the secured roll in the county and the total value of the property on which they pay taxes ~~;~~ or print and deliver or mail such a list and valuations to each taxpayer in the county. (NRS 361.300) This bill ~~provides that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the~~ authorizes a board of county commissioners to direct the county assessor ~~may~~ to publish this list ~~in a newspaper of general circulation or~~ and valuations on an Internet website maintained by the county assessor ~~;~~ or the county. This bill also authorizes a board of county commissioners to direct the county assessor in a county whose population is less than 100,000 (currently counties other than Clark and

Washoe Counties) to make not fewer than 10 copies of this list and valuations available to the public free of charge.

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

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause , on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her ~~[on or before January 1 of the fiscal year in which assessment is made]~~ to each taxpayer in the county; ~~for]~~

(2) Published once ~~[on or before January 1 of the fiscal year in which assessment is made]~~ in ~~+~~

~~(I) In~~ a newspaper of general circulation in the county; or

~~(II) In a county whose population is 100,000 or more,~~

(3) Published on an Internet website that is maintained by the county assessor ~~+~~ or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and

(b) To cause , on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) ~~Published~~ *If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published* on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county ~~is~~;

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county, on or before January 1 of the fiscal year in which assessment is made, which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; and

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at \$1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll ~~is~~ *will be* available for inspection *on or before January 1*

as specified in paragraph (b) of subsection 3 ~~¶~~ and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax roll may be accessed or retrieved. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 80.

Bill read second time.

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

Amendment No. 10.

SUMMARY—Creates the Task Force on Alzheimer’s Disease within ~~the Health Division of~~ the Department of Health and Human Services. (BDR 40-546)

AN ACT relating to public health; creating the Task Force on Alzheimer’s Disease within ~~the Health Division of~~ the Department of Health and Human Services; providing for its membership; setting forth the powers and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Assembly Concurrent Resolution No. 10 of the 2011 Legislative Session directed the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer’s disease and to submit the state plan to the 77th Session of the Nevada Legislature. (File No. 42, Statutes of Nevada 2011, p. 3868) **Section 5** of this bill creates the Task Force on Alzheimer’s Disease within ~~the Health Division of~~ the Department of Health and Human Services and sets forth the composition of the Task Force. **Section 7** of this bill requires the Task Force to take certain actions to carry out the state plan that was developed pursuant to Assembly Concurrent Resolution No. 10, including, without limitation, reviewing and revising the state plan as necessary and researching and reviewing any other issues relevant to Alzheimer’s disease.

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 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“State plan” means the state plan to address Alzheimer’s disease developed pursuant to section 7 of this act.*

Sec. 4. *“Task Force” means the Task Force on Alzheimer’s Disease created by section 5 of this act.*

Sec. 5. 1. *The Task Force on Alzheimer’s Disease is hereby created within the ~~Health Division of~~ Department of Health and Human Services.*

2. *The Director shall appoint to the Task Force the following ~~seven~~ eight voting members:*

(a) A representative from an association that provides services to persons with Alzheimer’s disease;

(b) A medical professional with expertise in cognitive disorders;

(c) A representative of caregivers for persons with cognitive disorders;

(d) A representative of the Nevada System of Higher Education with expertise in cognitive disorders;

(e) A representative of providers of service for persons with cognitive disorders;

(f) A representative from a rural area of this State;

~~((f))~~ (g) A representative from the Department; and

~~((g))~~ (h) A member at large.

3. The Legislative Commission shall appoint to the Task Force the following two voting members:

(a) One member of the Senate; and

(b) One member of the Assembly.

4. After the initial terms, the members of the Task Force serve terms of 2 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. The members of the Task Force serve without compensation, except that each member is entitled, while engaged in the business of the Task Force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

6. Not later than 30 days after appointment, each member of the Task Force appointed pursuant to subsection 2 shall nominate two persons to serve as his or her alternate members and submit the names of the persons nominated to the Director for appointment. An alternate member shall serve as a voting member of the Task Force when the appointed member who nominated the alternate is disqualified or unable to serve.

Sec. 6. 1. The members of the Task Force shall elect a Chair and a Vice Chair by a majority vote. After the initial election, the Chair and Vice Chair serve for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the Task Force shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.

2. The members of the Task Force shall meet at least once each quarter at the call of the Chair. The Task Force shall prescribe regulations for its own management and government.

3. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

4. Each member of the Task Force who is appointed pursuant to subsection 2 of section 5 of this act serves at the pleasure of the Director.

Sec. 7. 1. The Task Force shall:

(a) Develop a state plan to address Alzheimer's disease;

(b) Monitor the progress in carrying out the state plan;

(c) Review and revise the state plan as necessary;

(d) Develop and prioritize the actions necessary to carry out the state plan;

(e) Research and review any other issues that are relevant to Alzheimer's disease; and

(f) On or before February 1 of each year, prepare and submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning its findings and recommendations.

2. For the purpose of carrying out the provisions of sections 2 to 7, inclusive, of this act, the Department:

(a) Shall provide the personnel, facilities, equipment and supplies required by the Task Force;

(b) May accept any gifts, grants and donations; and

(c) May enter into contracts and award grants.

Sec. 8. As soon as practicable after July 1, 2013, the appointed members of the Task Force on Alzheimer's Disease created by section 5 of this act must be appointed to initial terms as follows:

1. The Director of the Department of Health and Human Services shall appoint:

(a) ~~Three~~ **Four** members pursuant to subsection 2 of that section to initial terms that expire on June 30, 2014; and

(b) Four members pursuant to subsection 2 of that section to initial terms that expire on June 30, 2015; and

2. The Legislative Commission shall appoint:

(a) One member pursuant to subsection 3 of that section to an initial term that expires on June 30, 2014; and

(b) One member pursuant to subsection 3 of that section to an initial term that expires on June 30, 2015.

Sec. 9. For the purposes of this act, the state plan developed pursuant to Assembly Concurrent Resolution No. 10, File No. 42, Statutes of Nevada 2011, p. 3868, shall be deemed to be the initial state plan to address Alzheimer's disease required by section 7 of this act.

Sec. 10. This act becomes effective on July 1, 2013, and expires by limitation on June 30, 2017.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 29.

SUMMARY—Revises provisions governing evidence in certain court proceedings. (BDR ~~[5-78]~~ **11-78**)

AN ACT relating to evidence; ~~[prohibiting a juvenile court from receiving evidence of the previous sexual conduct of a victim of a sexual assault,]~~ prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the protection of children; **prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the termination of parental rights;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that in a criminal proceeding involving a defendant who is an adult, a defendant accused of sexual assault or attempt or conspiracy to commit such a crime is prohibited from presenting evidence of any previous sexual conduct of the victim to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct. (NRS 50.090) Section 1 of this bill prohibits the introduction of such evidence in a juvenile court proceeding.]~~

Existing law ~~[also]~~ provides that evidence may be presented in certain civil proceedings related to the protection of children. (Chapter 432B of NRS) **Section 2** of this bill ~~[similarly]~~ prohibits, in any proceeding related to the protection of children, the introduction of evidence of any previous sexual conduct of a child to challenge the child's credibility as a witness unless the child's attorney has presented evidence or the child has testified concerning such conduct. **Section 1.5 of this bill similarly prohibits the introduction of such evidence in proceedings regarding the termination of parental rights.**

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

Section 1. ~~[NRS 62D.420 is hereby amended to read as follows:
=62D.420= 1. [In] Except as otherwise provided in subsection 2, in each proceeding conducted pursuant to the provisions of this title, the juvenile court may:
= (a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and
= (b) Rely on such evidence to the extent of its probative value.
= 2. In any prosecution for a delinquent act that would constitute the offense of sexual assault or attempt or conspiracy to commit sexual assault if the delinquent act were committed by an adult, the accused may not~~

~~present evidence of any previous sexual conduct of the victim of the delinquent act to challenge the victim's credibility as a witness unless the district attorney has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which case the scope of the accused's cross-examination of the victim or rebuttal must be limited to the evidence presented by the district attorney or victim.~~

~~3. The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.~~

~~[3.] 4. In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.~~

~~[4.] 5. Except when a record described in subsection [3] 4 would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection [3] 4 to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in subsection [3.] 4. Except as otherwise provided in subsection [5.] 6, such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.~~

~~[5.] 6. The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection [3.]~~

~~[6.] 4.~~

~~7. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.] **(Deleted by amendment.)**~~

Sec. 1.5. Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:

In any proceeding held pursuant to this chapter involving a child who has been the subject of a proceeding pursuant to chapter 432B of NRS, a party may not present evidence of any previous sexual conduct of a child to challenge the child's credibility as a witness unless the attorney for the child has first presented evidence or the child has testified concerning such conduct, or the absence of such conduct, on direct examination by the district attorney or the attorney for the child, in which case the scope of the cross-examination of the child or rebuttal must be limited to the evidence presented by the child's attorney or the child.

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

In any proceeding held pursuant to this chapter, a party may not present evidence of any previous sexual conduct of a child to challenge the child's credibility as a witness unless the attorney for the child has first presented evidence or the child has testified concerning such conduct, or the absence of such conduct, on direct examination by the district attorney or the attorney for the child, in which case the scope of the cross-examination of the child or rebuttal must be limited to the evidence presented by the child's attorney or the child.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 66.

AN ACT relating to criminal procedure; requiring certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military ~~if~~ if funds are available for the establishment of such a program; requiring a district court to consider the facts and circumstances surrounding the offense committed by an offender eligible for such a program in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district court may establish an appropriate program for the treatment of certain offenders who are veterans and members of the military. (NRS 176A.280) ~~This~~ Section 1 of this bill requires, to the extent that funds are available, a district court in a county whose population is 700,000 or more (currently Clark County) to establish such a program. A district court in a county whose population is less than 700,000 (currently all counties other than Clark County) retains the option to establish such a program.

Existing law authorizes a district court to place certain offenders who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of such a program. However, the court may not assign an offender to such a program without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the offender involved the use or threatened use of force or violence; or (2) the offender was previously

convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) Section 1.5 of this bill provides that in determining whether an offense involved the use or threatened use of force or violence, the court must consider the facts and circumstances surrounding the offense, including, without limitation, whether the offender intended to place another person in reasonable apprehension of bodily harm.

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

Section 1. NRS 176A.280 is hereby amended to read as follows:

176A.280 ~~{A}~~

1. In a county whose population is 700,000 or more, a court ~~{may}~~ shall, to the extent that funds are available, establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290.

2. In a county whose population is less than 700,000, a court may establish a program described in subsection 1.

3. The assignment of a defendant to a program established pursuant to this section must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 1.5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2, if a defendant who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as described in NRS 176A.285 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. **For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the court**

shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on January 1, 2014.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

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

Amendment No. 14.

AN ACT relating to contracts; ~~revising provisions governing the use of purchasing contracts by governmental entities and the circumstances under which~~ **prohibiting a local government, the Administrator of the Purchasing Division of the Department of Administration and** a board of trustees of a school district ~~may join in contracts with another school~~

~~district.] from joining, using or entering into certain contracts or agreements;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) a local government and the State of Nevada to join or use contracts of local governments located within this State or another state if authorized by the contracting vendor; and (2) a local government to join or use the contracts of the State of Nevada or another state if authorized by the contracting vendor. (NRS 332.195) **Existing law also authorizes the Administrator of the Purchasing Division of the Department of Administration to enter into an agreement for supplies, materials or equipment with a vendor who has entered into an agreement with the federal General Services Administration or certain other governmental agencies under certain circumstances. (NRS 333.480)** Existing law ~~also~~ **further** provides that, if a board of trustees of a school district enters into an agreement with another school district for the consolidation or sharing of services, functions or personnel, the board of trustees may join in any applicable contracts of the other school district. (NRS 386.353) This bill ~~exempts~~ **prohibits a local government, the Administrator and the board of trustees of a school district from joining, using or entering into a contract or agreement pursuant to** those provisions ~~contracts for which~~ **if** a license issued pursuant to chapter 624 of NRS governing contractors is required ~~for~~ **for any portion of the contract or agreement.**

Existing law provides that any contract for the purchase of any supplies, materials or equipment by any state officer, department, institution, board, commission or agency is void if it is contrary to the statutory and regulatory provisions governing state purchasing. Existing law further provides that the head of the using agency and the employee who entered into such a contract are personally liable for the costs of the supplies, materials or equipment. (NRS 333.810) Section 2 of this bill makes this provision applicable to an agreement entered into by the Administrator which is contrary to the amendatory provisions of that section.

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

Section 1. NRS 332.195 is hereby amended to read as follows:

332.195 1. ***Except as otherwise provided in this section:***

(a) A governing body or its authorized representative and the State of Nevada may join or use the contracts of local governments located within or outside this State with the authorization of the contracting vendor. The originally contracting local government is not liable for the obligations of the governmental entity which joins or uses the contract.

~~{2.}~~ **(b)** A governing body or its authorized representative may join or use the contracts of the State of Nevada or another state with the authorization of the contracting vendor. The State of Nevada or other state is not liable for the obligations of the local government which joins or uses the contract.

~~{3. The provisions of this section do not apply to contracts for which}~~

2. A governing body or its authorized representative or the State of Nevada shall not join or use a contract pursuant to this section if a contractor's license issued pursuant to chapter 624 of NRS is required ~~{for}~~ for any portion of the work to be performed under the contract.

Sec. 2. NRS 333.480 is hereby amended to read as follows:

333.480 ~~{The}~~

1. Except as otherwise provided in subsection 2, the Administrator may purchase or acquire on behalf of the State of Nevada, and all officers, departments, institutions, boards, commissions, schools and other agencies in the Executive Department of the State Government, volunteer fire departments, local governments as defined in NRS 354.474, conservation districts or irrigation districts of the State of Nevada, any supplies, materials or equipment of any kind required or deemed advisable for the state officers, departments, institutions, boards, commissions, schools, volunteer fire departments and other agencies or local governments as defined in NRS 354.474, conservation districts or irrigation districts that may be available pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another governmental agency dealing in supplies, materials, equipment or donable surplus material if:

~~{1.}~~ **(a)** The prices for the supplies, materials or equipment negotiated in the agreement that the Administrator enters into with the vendor are substantially similar to the prices for those supplies, materials or equipment that the vendor had negotiated with the General Services Administration or other governmental agency; and

~~{2.}~~ **(b)** The Administrator determines that such an agreement would be in the best interests of the State.

2. The Administrator shall not enter into an agreement pursuant to subsection 1 if a contractor's license issued pursuant to chapter 624 of NRS is required for any portion of the agreement.

~~{Sec. 2.}~~ **Sec. 3.** NRS 386.353 is hereby amended to read as follows:

386.353 1. The board of trustees of each school district in this State shall determine whether any services, functions or personnel may be feasibly consolidated or shared with one or more other school districts in this State. Services, functions or personnel that the board of trustees may consolidate or share with another school district include, without limitation:

- (a) Purchasing;
- (b) Accounting;
- (c) Recruiting;
- (d) Transportation;
- (e) Chief financial officer;
- (f) Human resources director; and
- (g) Superintendent of schools.

2. Based on the determination made pursuant to subsection 1, the board of trustees may consolidate or share any service, function or personnel with another school district. Nothing in this section requires a board of trustees of a school district to enter into a cooperative agreement for the consolidation or sharing of services, functions or personnel with one or more school districts. The board of trustees may establish any cost-effective and efficient method for the sharing or consolidation of services or personnel.

3. ~~##~~ **Except as otherwise provided in this subsection, if** the board of trustees enters into an agreement with one or more school districts for the consolidation or sharing of services, functions or personnel, the board of trustees may join in any applicable contracts of the other school district. ~~The provisions of this subsection do not apply to contracts for which~~ **The board of trustees shall not join in a contract pursuant to this subsection if a contractor's license issued pursuant to chapter 624 of NRS is required for any portion of the work to be performed under the contract.**

4. The Committee on Local Government Finance created pursuant to NRS 354.105 shall adopt such regulations that are necessary or proper to assist the boards of trustees in carrying out the provisions of this section. Such regulations must include, without limitation:

(a) Procedures and guidelines for how boards of trustees may efficiently and effectively consolidate or share services, functions and personnel with other school districts. Such procedures and guidelines should provide direction to the boards of trustees on ways to prepare contracts or other agreements necessary to implement the provisions of this section.

(b) In the case of sharing personnel with other school districts, procedures for sharing the costs of the payment of premiums or contributions for employee benefits, including, without limitation, retirement, life insurance and health benefits.

~~Sec. 3.~~ **Sec. 4.** This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

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

Amendment No. 62.

AN ACT relating to pharmacy; requiring **with limited exceptions**, a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires such an indication in every circumstance where a generic drug is substituted for a drug prescribed by brand name ~~and~~ **unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.**

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

Section 1. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner ~~is~~

~~1. Shall note~~ ***shall:***

1. Note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~Unless prohibited by the practitioner, may indicate~~ Indicate the substitution by writing or typing on the label the words "substituted for" **, or substantially similar language,** following the generic name and preceding the brand name of the drug ~~and~~ **unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.**

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

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

Amendment No. 53.

AN ACT relating to watercraft; exempting a person from the payment of a fee for the management of an aquatic invasive species under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may not operate a vessel on the waters of this State without paying to the Department of Wildlife an aquatic invasive species fee and displaying on the vessel a decal issued by the Department as evidence of payment. (NRS 488.536) This bill exempts a person from the requirement to pay the fee and display the decal on the vessel if the person operates the vessel on the waters of: (1) the Colorado River, Lake Mead or Lake Mohave and, as determined by the Department, the vessel is registered in Arizona and ~~the person has paid a fee~~ **Arizona has a program in effect** for the management of aquatic invasive species; ~~in Arizona;~~ or (2) Lake Tahoe or Topaz Lake and, as determined by the Department, the vessel is registered in California and ~~the person has paid a fee~~ **California has a program in effect** for the management of aquatic invasive species. ~~in California.~~

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

Section 1. NRS 488.536 is hereby amended to read as follows:

488.536 1. ~~1. A~~ **Except as otherwise provided in subsection 6, a** person shall not operate a vessel on the waters of this State unless the person has:

(a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and

(b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.

2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.

3. Aquatic invasive species decals expire at the end of each calendar year. Only the decal for the current year may be displayed on a vessel.

4. The Commission shall establish by regulation an aquatic invasive species fee, which:

(a) For a motorboat which is owned or operated by a person who is a resident of this State, must not exceed \$10;

(b) For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State, must not exceed \$5;

(c) For a motorboat which is owned or operated by a nonresident of this State, must be \$20; and

(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, must be \$10.

5. The aquatic invasive species fee established pursuant to subsection 4 must be paid annually for the issuance of an aquatic invasive species decal. The fee must be deposited in the Wildlife Fund Account in the State General Fund and used by the Department for enforcement of this section, NRS 488.530, 488.533 and 503.597 and for education about and management of aquatic invasive species.

6. *The provisions of this section do not apply to a person who operates a vessel on the waters of:*

(a) The Colorado River, Lake Mead or Lake Mohave if, as determined by the Department, the vessel is registered in Arizona and ~~the person has paid a fee~~ Arizona has a program in effect for the management of aquatic invasive species ; ~~in Arizona~~ or

(b) Lake Tahoe or Topaz Lake if, as determined by the Department, the vessel is registered in California and ~~the person has paid a fee~~ California has a program in effect for the management of aquatic invasive species . ~~in California.~~

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

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time and ordered to third reading.

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 73.

AN ACT relating to public health; renaming the Advisory Council on the State Program for Fitness and Wellness as the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease; expanding the membership of the Advisory Council; revising the duties of the Advisory Council and the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Health Division of the Department of Health and Human Services is required to establish, within the limits of available money, the State Program for Fitness and Wellness and the Advisory Council on the State Program for Fitness and Wellness. The purpose of the Advisory Council is to advise and make recommendations to the Health Division concerning the Program. (NRS 439.517, 439.518) **Section 3** of this bill changes the name of the Program to the State Program for Wellness and the Prevention of Chronic Disease, and **section 4** of this bill makes the corresponding change to the name of the Advisory Council. **Section 4** also increases the membership of the Advisory Council by adding ~~three~~ **two** additional representatives of organizations committed to the prevention and treatment of chronic diseases, ~~and~~ one representative of a local health authority ~~and~~ **and one representative of the Nevada System of Higher Education.** (NRS 439.518) **Section 5** of this bill limits the service of the members of the Advisory Council to not more than two additional, consecutive terms of 2 years each. (NRS 439.519) **Section 6** of this bill revises the duties of the Health Division in various ways, including requiring the Health Division, with the advice and recommendations of the Advisory Council, to prepare burden reports that quantify the impact of certain health problems and chronic diseases on Nevada. (NRS 439.521)

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

Section 1. NRS 439.515 is hereby amended to read as follows:

439.515 "Advisory Council" means the Advisory Council on the State Program for ~~Fitness and~~ Wellness ~~and the Prevention of Chronic Disease.~~

Sec. 2. NRS 439.516 is hereby amended to read as follows:

439.516 "Program" means the State Program for ~~Fitness and~~ Wellness ~~and the Prevention of Chronic Disease.~~

Sec. 3. NRS 439.517 is hereby amended to read as follows:

439.517 Within the limits of available money, the Health Division shall establish the State Program for ~~Fitness and~~ Wellness **and the Prevention of Chronic Disease** to increase public knowledge and raise public awareness relating to ~~physical fitness and~~ wellness **and chronic diseases** and to educate the residents of this State ~~on matters relating to physical fitness and wellness, including, without limitation:~~ **about:**

1. ~~Programs for physical fitness;~~
- ~~2. Nutrition; and~~

~~—3.~~ **Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and**

2. The prevention of ~~obesity,~~ chronic diseases ~~and other diseases,~~ , **including, without limitation, asthma, cancer, diabetes, cardiovascular disease and oral disease.**

Sec. 4. NRS 439.518 is hereby amended to read as follows:

439.518 1. Within the limits of available money, the Health Division shall establish the Advisory Council on the State Program for ~~Fitmess and~~ **Wellness and the Prevention of Chronic Disease** to advise and make recommendations to the Health Division concerning the Program.

2. The Administrator shall appoint to the Advisory Council the following ~~nine~~ **13** voting members:

- (a) The State Health Officer or the designee of the State Health Officer;
- (b) The Superintendent of Public Instruction or the designee of the Superintendent;
- (c) One representative of the health insurance industry;
- (d) One provider of health care;
- (e) One representative of the Nevada Association for Health, Physical Education, Recreation and Dance or its successor organization;
- (f) ~~One representative~~ ~~Four~~ **Three representatives** of ~~an organization~~ **organizations** committed to the prevention **and treatment** of chronic diseases;
- (g) One registered dietitian;
- (h) One representative who is a member of a racial or ethnic minority group appointed from a list of persons submitted to the Administrator by the Advisory Committee of the Office of Minority Health within the Office for Consumer Health Assistance of the Department; ~~and~~
- (i) One representative of private employers in this State who has experience in matters relating to employment and human resources ~~;~~ ~~and~~
- (j) **One representative of a local health authority** ~~;~~ **and**
- (k) **One representative of the Nevada System of Higher Education from a list of persons submitted to the Administrator by the Board of Regents of the University of Nevada.**

3. The Legislative Commission shall appoint to the Advisory Council the following two voting members:

- (a) One member of the Senate; and
- (b) One member of the Assembly.

4. A majority of the voting members of the Advisory Council may appoint nonvoting members to the Advisory Council.

Sec. 5. NRS 439.519 is hereby amended to read as follows:

439.519 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed ~~[-]~~ **to serve not more than two additional, consecutive terms.**

2. A majority of the voting members of the Advisory Council shall select a Chair and a Vice Chair of the Advisory Council.

3. A majority of the voting members of the Advisory Council may:

(a) Appoint committees or subcommittees to study issues relating to ~~physical fitness and~~ wellness ~~[-]~~ **and the prevention of chronic disease.**

(b) Remove a nonlegislative member of the Advisory Council for failing to carry out the business of, or serve the best interests of, the Advisory Council.

4. The Health Division shall, within the limits of available money, provide the necessary professional staff and a secretary for the Advisory Council.

5. A majority of the voting members of the Advisory Council constitutes a quorum to transact all business, and a majority of those voting members present, physically or via telecommunications, must concur in any decision.

6. The Advisory Council shall, within the limits of available money, meet at the call of the Administrator, the Chair or a majority of the voting members of the Advisory Council quarterly or as is necessary.

7. The members of the Advisory Council serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Council and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6. NRS 439.521 is hereby amended to read as follows:

439.521 To carry out the provisions of NRS 439.514 to 439.525, inclusive, the Health Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

1. ~~Establish a solid scientific database of the most current information on~~ **Periodically prepare burden reports concerning health problems and diseases, including, without limitation, a lack of physical fitness, poor nutrition ~~and the prevention of~~ , tobacco use and exposure to tobacco smoke, obesity, chronic diseases and other diseases, as determined by the Health Division, using the most recent information obtained through surveillance, epidemiology and research . ~~[-]~~ and use the database in carrying out the Program.** **As used in this subsection, "burden report" means a calculation of the impact of a particular health problem or chronic disease on this State, as measured by financial cost, mortality, morbidity or other indicators specified by the Health Division.**

2. Identify , ~~and~~ review ~~[-]~~ *and encourage*, in coordination with the Department of Education, *the Nevada System of Higher Education and other appropriate state agencies*, existing *evidence-based* programs related to nutrition , ~~and~~ physical fitness ~~[-]~~ *and tobacco prevention and cessation*, including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

3. ~~Encourage local community efforts to increase opportunities for physical fitness.~~

~~4.]~~ Develop , *promote* and coordinate ~~[-]~~ *recommendations for* model ~~[-]~~ *and evidence-based programs that contribute to reductions in the incidence of chronic disease in this State. The programs should encourage:*

(a) *Proper* nutrition, physical fitness and health ~~[-]~~ *for implementation by state employees and agencies.*

~~5.]~~ Develop and coordinate, in cooperation with the Department of Education, *recommendations for model programs to encourage proper nutrition, physical fitness and health in the schools of this State, including, without limitation, physical fitness testing which can be administered through the schools.*

~~6.]~~ Develop and coordinate *recommendations for model programs that would encourage proper nutrition, physical fitness and health* among the residents of this State, including, without limitation, parents and children, senior citizens , *high-risk populations* and persons with special needs ~~[-]~~

~~7.] ; and~~

(b) *Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.*

4. Assist on projects within this State as requested by, and in coordination with, the President's Council on ~~[-]~~ *Physical* Fitness , ~~and~~ Sports ~~[-]~~

~~8.] and Nutrition.~~

5. Identify and review methods for reducing health care costs associated with *tobacco use and exposure to tobacco smoke*, obesity, chronic diseases and other diseases ~~[-]~~

~~9.]~~ Identify and review methods for increasing the effectiveness and efficiency of the workforce of this State.

~~10.] , as determined by the Health Division.~~

6. Maintain a website to provide information *and resources* on nutrition, physical fitness, health, wellness and the prevention of obesity and chronic diseases.

~~{11. Provide educational materials and information on research concerning matters relating to physical fitness, wellness, and the prevention of obesity, chronic diseases and other diseases, including, without limitation, materials and information concerning programs and services available to the public and strategies for achieving and maintaining physical fitness and preventing obesity, chronic diseases and other diseases.~~

~~—12.}~~ 7. Solicit information from and, to the extent feasible, coordinate its efforts with:

- (a) Other governmental agencies;
- (b) National health organizations and their local and state chapters;
- (c) Community and business leaders;
- (d) Community organizations;
- (e) Providers of health care;
- (f) Private schools; and
- (g) Other persons who provide services relating to *tobacco use and exposure*, physical fitness and wellness and the prevention of obesity, chronic diseases and other diseases.

8. Establish, maintain and enhance statewide chronic disease surveillance systems.

9. Translate surveillance, evaluation and research information into press releases, briefs, community education and advocacy materials and other publications that highlight chronic diseases and the key risk factors of those diseases.

10. Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

11. Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

- (a) Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;**
- (b) Oral screenings; and**
- (c) Tobacco cessation counseling.**

12. Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

13. Review and revise the Program as needed.

Sec. 7. NRS 439.522 is hereby amended to read as follows:

439.522 The Health Division may, within the limits of available money, hold public hearings at such times and places as it determines necessary to

provide the general public and representatives of governmental agencies and organizations interested in the Program or issues affecting ~~physical fitness and~~ wellness *and the prevention of chronic disease* an opportunity to present relevant information and recommendations.

Sec. 8. Notwithstanding the provisions of subsection 1 of NRS 439.519, as amended by section 5 of this act:

1. The term of the member of the Advisory Council on the State Program for Fitness and Wellness appointed pursuant to paragraph (f) of subsection 2 of NRS 439.518 before July 1, 2013, expires on that date.

2. As soon as practicable after July 1, 2013, the Administrator of the Health Division of the Department of Health and Human Resources shall appoint to the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease:

(a) Two members pursuant to paragraph (f) of subsection 2 of NRS 439.518, as amended by section 4 of this act, to initial terms of 4 years;

(b) ~~Two members~~ **One member** pursuant to ~~that paragraph,~~ **paragraph (f) of subsection 2 of NRS 439.518,** as amended by ~~that section,~~ **section 4 of this act,** to an initial ~~terms~~ **term** of 2 years; ~~and~~

(c) ~~The~~ **One** member ~~required~~ pursuant to paragraph (j) of subsection 2 of NRS 439.518, as amended by section 4 of this act, to an initial term of 2 years ~~;~~ **and**

(d) One member pursuant to paragraph (k) of subsection 2 of NRS 439.518, as amended by section 4 of this act, to an initial term of 4 years.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 30.

AN ACT relating to the advanced practice of nursing; replacing the term “advanced practitioner of nursing” with “advanced practice registered nurse”; making various other changes to provisions relating to the advanced practice of nursing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Nursing to grant certain registered nurses a certificate of recognition as an advanced practitioner of

nursing and sets forth the requirements for obtaining such certification. (NRS 632.237) This bill instead authorizes the Board to issue a license as an advanced practice registered nurse to certain registered nurses. **Section 1.5 of this bill authorizes the Board to require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.** Section 39 of this bill provides that a registered nurse who possesses a valid certificate of recognition as an advanced practitioner of nursing on the effective date of this bill shall be deemed to possess a license as an advanced practice registered nurse.

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

Section 1. NRS 630.021 is hereby amended to read as follows:

630.021 “Practice of respiratory care” includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;
2. The administration of drugs and medications to the cardiopulmonary system;
3. The provision of ventilatory assistance and control;
4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;
5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;
6. Carrying out the written orders of a physician, physician assistant, certified registered nurse anesthetist or an advanced ~~practitioner of nursing~~ **practice registered nurse** relating to respiratory care;
7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and
8. Training relating to the practice of respiratory care.

Sec. 1.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Sec. 2. NRS 632.012 is hereby amended to read as follows:

632.012 “Advanced ~~practitioner of nursing~~ **practice registered nurse**” means a registered nurse who:

1. Has specialized skills, knowledge and experience; and

2. Is ~~authorized~~ **licensed** by the Board to provide services in addition to those that other registered nurses are authorized to provide.

Sec. 3. NRS 632.017 is hereby amended to read as follows:

632.017 “Practice of practical nursing” means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced ~~practitioner of nursing,~~ **practice registered nurse**, a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 4. NRS 632.018 is hereby amended to read as follows:

632.018 “Practice of professional nursing” means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced ~~practitioner of nursing,~~ **practice registered nurse**, a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 5. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~practitioner of nursing,~~ **practice registered nurse**; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~practitioner of nursing~~ **practice registered nurse**.

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced ~~practitioner of nursing~~ **practice registered nurse**.

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 6. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~grant a certificate of recognition~~ **issue a license to practice** as an advanced ~~practitioner of nursing~~ **practice registered nurse** to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices, and who meets the other requirements established by the Board for such ~~certification~~ **licensure**.

2. An advanced ~~practitioner of nursing~~ **practice registered nurse** may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices . ~~;~~

~~↪ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.]~~

3. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for ~~[certification]~~ **licensure** as an advanced ~~[practitioner of nursing.]~~ **practice registered nurse**.

(b) Delineating the authorized scope of practice of an advanced ~~[practitioner of nursing.]~~ **practice registered nurse**.

(c) Establishing the procedure for application for ~~[certification]~~ **licensure** as an advanced ~~[practitioner of nursing.]~~ **practice registered nurse**.

Sec. 7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~[grant a certificate of recognition]~~ **issue a license to practice** as an advanced ~~[practitioner of nursing]~~ **practice registered nurse** to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection 4, submits proof that he or she is certified as an advanced ~~[practitioner of nursing]~~ **practice registered nurse** by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such ~~[certification.]~~ **licensure**.

2. An advanced ~~[practitioner of nursing]~~ **practice registered nurse** may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices . ~~;~~

~~↪ [pursuant to a protocol approved by a collaborating physician. A protocol must not include and an] An advanced [practitioner of nursing] practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced [practitioner of nursing] practice registered nurse is not qualified to perform.~~

3. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for ~~[certification]~~ *licensure* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse*.

(b) Delineating the authorized scope of practice of an advanced ~~[practitioner of nursing]~~ *practice registered nurse*.

(c) Establishing the procedure for application for ~~[certification]~~ *licensure* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse*.

4. The provisions of paragraph (b) of subsection 1 do not apply to an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who obtains a ~~[certificate of recognition]~~ *license* before July 1, 2014.

Sec. 8. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced ~~[practitioner of nursing]~~ *practice registered nurse* or a registered nurse and in accordance with standard protocols developed by the Board.

2. Except as otherwise provided by subsection 4, a medication aide - certified may only administer authorized medications by the following methods:

- (a) Orally;
- (b) Topically;
- (c) By the use of drops in the eye, ear or nose;
- (d) Vaginally;
- (e) Rectally;
- (f) Transdermally; and
- (g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication aide - certified shall not:

- (a) Receive, have access to or administer any controlled substance;
- (b) Administer parenteral or enteral medications;
- (c) Administer any substances by nasogastric or gastrostomy tubes;
- (d) Calculate drug dosages;
- (e) Destroy medication;
- (f) Receive orders, either in writing or verbally, for new or changed medication;
- (g) Transcribe orders from medical records;
- (h) Order or administer initial medications;
- (i) Evaluate reports of medication errors;
- (j) Perform treatments;
- (k) Conduct patient assessments or evaluations;
- (l) Engage in teaching activities for patients; or
- (m) Engage in any activity prohibited pursuant to subsection 4.

4. The Board may adopt regulations authorizing or prohibiting any additional activities of a medication aide - certified.

5. As used in this section, "supervision" means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

Sec. 9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse)	\$45	\$100
Application for license to practice practical nursing	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for recognition a license to practice as an advanced practitioner of nursing practice registered nurse	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of recognition a license to practice as an advanced practitioner of nursing practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50

Fee for reviewing one course of continuing education which has been changed since approval.....5	30
Annual fee for approval of all courses of continuing education offered100	500
Annual fee for review of training program.....60	100
Certification examination.....10	90
Approval of instructors of training programs50	100
Approval of proctors for certification examinations20	50
Approval of training programs150	250
Validation of licensure or certification.....5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 10. NRS 637A.243 is hereby amended to read as follows:

637A.243 1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:

(a) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, an advanced ~~practitioner of nursing~~ **practice registered nurse** licensed pursuant to ~~chapter 632 of NRS,~~ **NRS 632.237**, an audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an audiometric examination of that person in compliance with regulations adopted by the Board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) The hearing aid specialist has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him or her the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information which must be included in each record required to be maintained pursuant to subsection 2.

Sec. 11. NRS 639.0015 is hereby amended to read as follows:

639.0015 “Advanced ~~practitioner of nursing~~” *practice registered nurse*” means a registered nurse who holds a valid ~~certificate of recognition~~ *license* as an advanced ~~practitioner of nursing~~ *practice registered nurse* issued by the State Board of Nursing ~~[-] pursuant to NRS 632.237.~~

Sec. 12. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced ~~practitioner of nursing~~ *practice registered nurse* who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 13. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. An advanced ~~practitioner of nursing~~ *practice registered nurse* may dispense controlled substances, poisons, dangerous drugs and devices if the advanced ~~practitioner of nursing~~ *practice registered nurse*:

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a ~~certificate~~ *license* issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced ~~practitioners of nursing~~ **practice registered nurses** in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced ~~practitioners of nursing~~ **practice registered nurses**.

2. The State Board of Pharmacy shall consider each application from an advanced ~~practitioner of nursing~~ **practice registered nurse** separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced ~~practitioner of nursing~~ **practice registered nurse** to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced ~~practitioner of nursing~~ **practice registered nurse** may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced ~~practitioner of nursing~~ **practice registered nurse** to dispense; and

(4) The practice of the advanced ~~practitioner of nursing~~ **practice registered nurse** which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the ~~certificate~~ **license** issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the ~~certificate~~ **license** issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced ~~practitioner of nursing~~ **practice registered nurse** is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced ~~practitioner of nursing~~ **practice registered nurse** who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced ~~practitioner of nursing~~ **practice registered nurse** who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Effects on the health, safety and welfare of the public; and

(e) Other factors which the Board considers important to the regulation of the practice of advanced ~~[practitioners of nursing]~~ **practice registered nurses** who hold certificates from the Board.

Sec. 14. NRS 639.2351 is hereby amended to read as follows:

639.2351 1. An advanced ~~[practitioner of nursing]~~ **practice registered nurse** may prescribe, in accordance with NRS 454.695 and 632.237, controlled substances, poisons, dangerous drugs and devices if the advanced ~~[practitioner of nursing]~~ **practice registered nurse:**

(a) Is authorized to do so by the State Board of Nursing in a ~~[certificate]~~ **license** issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced ~~[practitioner of nursing]~~ **practice registered nurse** separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the ~~[certificate]~~ **license** issued by the State Board of Nursing.

Sec. 15. NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced ~~[practitioner of nursing]~~ **practice registered nurse** who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

Sec. 16. NRS 640E.260 is hereby amended to read as follows:

640E.260 1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition;

(k) Evaluating and maintaining appropriate standards of quality in the services provided;

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.

2. A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:

(a) Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;

(b) Determining the interaction between food and drugs prescribed to the patient; and

(c) Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced ~~practitioner of nursing~~ **practice registered nurse** or podiatric physician that monitor or alter the food and nutrient levels of the patient.

3. A licensed dietitian shall not provide medical diagnosis of the health of a person.

Sec. 17. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~practitioner of nursing~~ **practice registered nurse licensed pursuant to NRS 632.237** at any location where such a physician, physician assistant or advanced ~~practitioner of nursing~~ **practice registered nurse** is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care;

or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, ~~for~~ physician assistant ~~licensed pursuant to chapter 630 or 633 of NRS or an~~ **or advanced ~~practitioner of nursing~~ practice registered nurse** who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced ~~practitioners of nursing~~ *practice registered nurses* or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 18. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.
3. "Medicare" has the meaning ascribed to it in NRS 439B.130.
4. "Provider of prenatal care" means:
 - (a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.
 - (b) A certified nurse midwife who is licensed by the State Board of Nursing.
 - (c) An advanced ~~practitioner of nursing~~ **practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and** who has specialized skills and training in obstetrics or family nursing.
 - (d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

Sec. 19. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~practitioner of nursing~~ **practice registered nurse licensed pursuant to NRS 632.237 who is** under the supervision of a licensed physician.

Sec. 20. NRS 453.023 is hereby amended to read as follows:

453.023 "Advanced ~~practitioner of nursing~~" **practice registered nurse**" means a registered nurse who holds a valid ~~certificate of recognition~~ **license** as an advanced ~~practitioner of nursing~~ **practice registered nurse** issued by the State Board of Nursing ~~[-]~~ **pursuant to NRS 632.237.**

Sec. 21. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department;
or

2. Under emergency treatment in a hospital by a physician, advanced ~~practitioner of nursing,~~ **practice registered nurse**, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced ~~practitioner of nursing,~~ **practice registered nurse**, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 22. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. “Manufacture” does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced ~~practitioner of nursing~~ *practice registered nurse* or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 23. NRS 453.126 is hereby amended to read as follows:

453.126 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced ~~practitioner of nursing~~ *practice registered nurse* who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 24. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~practitioner of nursing~~ **practice registered nurse** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 25. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced ~~practitioner of nursing~~ **practice registered nurse**, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 26. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~practitioner of nursing~~ *practice registered nurse* or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, “controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 27. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. ~~“Advanced practitioner of nursing” means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.~~

~~2.~~ “Medical intern” means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~3.~~ 2. “Pharmacist” means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

~~4.~~ 3. “Physician,” “dentist,” “podiatric physician,” “veterinarian” and “euthanasia technician” mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

~~5.~~ 4. “Physician assistant” means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a license issued pursuant to NRS 633.433.

Sec. 28. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced ~~practitioner of nursing,~~ **practice registered**

nurse, or pursuant to a chart order, for administration to a patient at another location.

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician or physician assistant and:

(a) In the presence of a physician, physician assistant or a registered nurse; or

(b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

↪ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee

designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 29. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse** or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse**, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse**, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse**, podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 30. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced ~~practitioner of nursing,~~ **practice registered nurse**, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 31. NRS 454.0015 is hereby amended to read as follows:

454.0015 “Advanced ~~practitioner of nursing~~” **practice registered nurse**” means a registered nurse who holds a valid ~~certificate of recognition~~ **license** as an advanced ~~practitioner of nursing~~ **practice registered nurse** issued by the State Board of Nursing ~~[-] pursuant to NRS 632.237.~~

Sec. 32. NRS 454.00958 is hereby amended to read as follows:

454.00958 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced ~~practitioner of nursing~~ **practice registered nurse** who holds ~~[-] a certificate from the State Board of Nursing and~~ a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer dangerous drugs pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

Sec. 33. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.
2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.
3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced ~~practitioner of nursing,~~ **practice registered nurse**, or pursuant to a chart order, for administration to a patient at another location.
4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:
 - (a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and
 - (b) Acting under the direction of the medical director of that agency or facility who works in this State.
5. A medication aide - certified at a designated facility under the supervision of an advanced ~~practitioner of nursing,~~ **practice registered nurse** or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this subsection, "designated facility" has the meaning ascribed to it in NRS 632.0145.
6. Except as otherwise provided in subsection 7, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:
 - (a) The State Board of Health in a county whose population is less than 100,000;
 - (b) A county board of health in a county whose population is 100,000 or more; or
 - (c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.
7. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

10. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

↳ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

22. A medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

Sec. 34. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic, ↪ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 35. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or the State Health Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 36. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced ~~practitioner of nursing~~ **practice registered nurse** who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold without prescription for the following purposes:

- (a) For use in the treatment of persons having asthma or diabetes.
- (b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.
- (c) For use in an ambulance or by a fire-fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.
- (d) For the injection of drugs in animals or poultry.
- (e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.
- (f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

Sec. 37. NRS 454.695 is hereby amended to read as follows:

454.695 ~~[-]~~ An advanced ~~practitioner of nursing~~ **practice registered nurse** may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with ~~[-]~~

~~-(a) The certificates~~ **the certificate** he or she holds from the Board and the **license issued by the** State Board of Nursing. ~~[-] and~~

~~-(b) The protocol which is approved by the State Board of Nursing.~~

~~2. For the purposes of this section, "protocol" means the written agreement between a physician and an advanced practitioner of nursing which sets forth matters including the:~~

~~-(a) Patients which the advanced practitioner of nursing may serve;~~

~~-(b) Specific poisons, dangerous drugs and devices which the advanced practitioner of nursing may prescribe; and~~

~~-(c) Conditions under which the advanced practitioner of nursing must directly refer the patient to the physician.]~~

Sec. 38. NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2, a physician or advanced ~~practitioner of nursing~~ **practice registered nurse** shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. A physician or advanced ~~practitioner of nursing~~ **practice registered nurse** is not required to comply with the provisions of subsection 1 if:

(a) The physician or advanced ~~practitioner of nursing~~ **practice registered nurse** determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

Sec. 39. A person who, on July 1, 2013, possesses a valid certificate of recognition as an advanced practitioner of nursing that was granted on or before June 30, 2013, by the State Board of Nursing pursuant to NRS 632.237 shall be deemed to hold a license as an advanced practice registered nurse issued by the Board pursuant to NRS 632.237, as amended by section 6 of this act.

Sec. 39.5. The provisions of this act are not intended to expand the scope of practice of an advanced practice registered nurse beyond the scope of practice delineated by the State Board of Nursing in regulations adopted pursuant to NRS 632.237 or otherwise authorized by specific statute.

Sec. 40. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references to “advanced practitioner of nursing” are replaced with “advanced practice registered nurse.”

Sec. 41. 1. This section and sections 1 to 6, inclusive, and 8 to 40, inclusive, of this act become effective on July 1, 2013.

2. Section 7 of this act becomes effective on July 1, 2014.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time and ordered to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 112.

AN ACT relating to education; requiring , to the extent money is available, that the automated system of accountability information for Nevada established and maintained by the Department of Education include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard ~~[, or has served as such and was discharged or released on or after September 11, 2001.]~~ **; requiring the board of trustees of each school district to take the actions necessary during the 2013-2014 school year to implement a data system which includes a unique identifier for those pupils;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish and maintain an automated system of accountability information for Nevada. In part, existing law requires that the system have: (1) a system of unique identification of each pupil; (2) the capacity to track and compare the academic achievement, rate of attendance and rate of graduation of pupils over time throughout the State; and (3) the capacity to perform analyses of the results of individual pupils on assessments. (NRS 386.650) ~~[This]~~ **Section 1 of this bill requires , to the extent money is available for this purpose,** that the system include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard ~~. [, or has served in the Armed Forces of the United States, a reserve component thereof or the National Guard and has been discharged or released therefrom on or after September 11, 2001.]~~ **Section 2 of this bill requires the board of trustees of each school district during the 2013-2014 school year to: (1) take the actions necessary to implement a data system which includes a unique identifier to track those pupils; and (2) submit a report on the status of the implementation of such a data system to the Legislative Committee on Education. In addition, section 2 requires the Department of Education to submit a report to the Legislative Committee on Education and the 78th Session of the Nevada Legislature on the status of the implementation of the data system required by section 1.**

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

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; ~~and~~

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; *and*

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard ~~or has served in the Armed Forces of the United States, a reserve component thereof or the National Guard and has been discharged or released therefrom on or after September 11, 2001;~~ in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➔ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and

improving classroom instruction. The information must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated

system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 2. 1. During the 2013-2014 school year:

(a) The board of trustees of each school district shall take the actions necessary to implement a data system which includes fields that will allow for a unique identifier to track pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category.

(b) The board of trustees of each school district shall submit a report to the Legislative Committee on Education concerning the status of implementing a data system as set forth in paragraph (a).

(c) The Department of Education shall submit a report to the Legislative Committee on Education concerning the status of implementing a data system which includes a unique identifier to track pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category.

2. On or before February 1, 2015, the Department of Education shall submit a report on the status of implementing the data system set forth in NRS 386.650, as amended by section 1 of this act, to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

~~Sec. 2.~~ Sec. 3. ~~[This]~~

1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2014.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time and ordered to third reading.

Assembly Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 114.

AN ACT relating to the Nevada System of Higher Education; clarifying provisions governing tuition charges assessed against certain students; providing that tuition charges must not be assessed against veterans of the Armed Forces of the United States who were honorably discharged within a certain period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to assess tuition charges against students who are not residents of Nevada at all campuses of the Nevada System of Higher Education. The tuition charges are in addition to registration fees and other fees assessed against students who are residents of Nevada. Existing law also provides that tuition must be free for certain students and veterans. (NRS 396.540) This bill clarifies the statutory provisions governing the assessment of tuition charges. Additionally, this bill revises the group of veterans against whom tuition charges must not be assessed by: (1) removing the requirement that such veterans were, at some point, on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State; and (2) requiring that such veterans were honorably discharged within the ~~13~~ 2 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents,

to the extent that those policies do not conflict with any statute. The qualification “bona fide” is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition *charges* must *not* be ~~{free to:}~~ *assessed against:*

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All public school teachers who are employed full-time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(e) Employees of the System who take classes other than during their regular working hours;

(f) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada; and

(g) Veterans of the Armed Forces of the United States who were honorably discharged ~~{and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge.}~~ *within the ~~{3}~~ 2 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System.*

3. The Board of Regents may grant ~~{tuitions free}~~ *exemptions from tuition charges* each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time and ordered to third reading.

Assembly Bill No. 311.

Bill read second time and ordered to third reading.

Assembly Bill No. 352.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 3.

Resolution read second time.

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

Amendment No. 42.

ASSEMBLY JOINT RESOLUTION—Expressing the intent of the Legislature to establish a biomass industry to restore certain ecosystems on public lands.

WHEREAS, The Nevada Pinyon-Juniper Partnership estimates that currently ~~one quarter~~ **9 million acres** of Nevada's landscape is pinyon-juniper woodlands, with over 100,000 acres ~~of such forest~~ each year converting to the highest density of pinyon-juniper; and

WHEREAS, Such expanding, aging, overgrown pinyon-juniper woodlands adversely affect ~~forest~~ **ecosystem** health with increased disease and insect infestations, negatively impact wildlife diversity by crowding out **herbaceous vegetation and** shrubs such as sagebrush, and are highly susceptible to catastrophic fire, which adversely affects watersheds and causes erosion; and

WHEREAS, ~~Proactive~~ **Environmentally sound and scientifically based proactive** management of ~~overgrown~~ **the expansion and overgrowth of** pinyon-juniper stands may reduce fire suppression and restoration costs, reduce the introduction of invasive species such as cheat grass that are detrimental to the ecosystem, enhance the wildlife habitat for sagebrush obligate species such as greater sage grouse and mule deer, improve watershed health and reduce the risk of catastrophic wildfire by reducing high fuel loads; and

WHEREAS, Biomass from pinyon-juniper management may be used for commercial purposes, including the production of renewable energy ~~and~~ **and wood products**, and the promotion of ~~that use~~ **those uses** may strengthen communities by creating rural industries and jobs in counties whose private sector economies are affected by the dominant presence of public lands; and

WHEREAS, The Nevada Legislature recognizes the cultural importance of pinyon-juniper woodlands to Native Americans and the need for thorough consultation with tribal governments when woodland management projects are planned; and

WHEREAS, The Nevada Legislature recognizes that pinyon-juniper treatments on public land may be subject to the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq., thereby requiring public input and participation; and

WHEREAS, The federal Stewardship End Result Contracting program, most recently authorized by section 323 of Public Law No. 108-7 and set to expire on September 30, 2013, if extended by the United States Congress, may provide a valuable resource by facilitating agreements with private contractors for treatment and management of pinyon-juniper woodlands that would benefit rural communities ~~and forest~~, **ecosystem resilience** and rangeland health; and

WHEREAS, It is the policy of this State to encourage participation with all levels of government and private enterprise in cooperative state, regional and national programs to assure adequate supplies of energy resources **and wood products** and markets for those energy sources ~~and~~ **and wood products**; and

WHEREAS, The Nevada Legislature encourages both government and private enterprise to maximize the use of indigenous energy resources **and wood products** to the extent **such use is environmentally sound and** competitively and economically feasible; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby expresses its intent to establish and encourage the creation of a biomass industry in Nevada to expand efforts to manage pinyon-juniper woodlands and restore pinyon-juniper and sagebrush ecosystems at a landscape scale on public lands **based on sound scientific principles** for the benefit of **ecosystem resiliency**, economic stability, ~~energy~~ production ~~and~~ **of biomass energy and wood products**, hydrologic function, rangeland health, ~~and~~ wildlife habitat ~~and~~ **reduction of hazardous fuels**; and be it further

RESOLVED, That the Nevada Legislature hereby encourages the Congress of the United States to extend the authority of the Bureau of Land Management of the United States Department of the Interior and the United States Forest Service under section 323 of Public Law No. 108-7 to enter into stewardship contracts or agreements for management and restoration projects on public lands beyond the current expiration date, and to extend the maximum length of those stewardship contracts or agreements to 20 years; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Governor, the President of the United States,

the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Director of the Bureau of Land Management and the Chief of the United States Forest Service; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time.

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

Amendment No. 52.

SUMMARY—Urges the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires **and repeat wildfires** in this State. (BDR R-209)

ASSEMBLY JOINT RESOLUTION—Urging the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires **and repeat wildfires** in this State.

WHEREAS, The State of Nevada is one of the states that is greatly affected by wildfires; and

WHEREAS, The wildfires in Nevada have burned vast areas of this State, including numerous acres of rangeland and forest located on public lands managed and controlled by the Bureau of Land Management and the United States Forest Service; and

WHEREAS, The growth of an invasive, nonnative annual grass known as cheatgrass has been a significant contributing factor to the increased extent and frequency of wildfires in this State; and

WHEREAS, Frequent wildfires and the increased presence of cheatgrass have degraded the ecosystem in this State by inhibiting the establishment of native plant species ~~[+]~~ **and increasing the highly volatile fuel load of the nonnative cheatgrass, which substantially increases the chance of a repeat wildfire in the same area;** and

WHEREAS, A repeat wildfire in the same area is often more devastating to the ecosystem of the rangeland than the first wildfire; and

WHEREAS, In addition to burning rangeland and forest which support ~~[livestock grazing,]~~ **multiple uses,** the frequent wildfires have damaged wildlife habitats, including the habitat of the sage grouse, a bird whose populations have been declining for years, and have caused a rise in the costs

associated with wildfire suppression and the rehabilitation of those public lands affected by the wildfires ~~and~~ **and repeat wildfires;** and

WHEREAS, In a 1,700-acre study conducted by researchers at the University of Nevada, Reno, late-season livestock grazing was shown to reduce the amount of cheatgrass, which could fuel a fire, from 500 pounds per acre to 25 pounds per acre; and

WHEREAS, Among other options to decrease the extent and frequency of wildfires occurring in Nevada, the Bureau of Land Management and the United States Forest Service **should partner with local agencies and other interested parties and** may consider partnering with the livestock industry to ~~increase~~ **determine whether the timing and intensity of increased livestock grazing ~~on~~ based on the actual condition of the rangeland and the cheatgrass fuel load would reduce the frequency of wildfires and repeat wildfires and enhance the overall condition of the** rangeland and forest located on public lands in this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby urge the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires **and repeat wildfires** in this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Bureau of Land Management, the Chief of the United States Forest Service and the President of the Nevada Cattlemen's Association; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time.

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

Amendment No. 43.

ASSEMBLY JOINT RESOLUTION—Urging Congress to take certain actions concerning federal public lands in Nevada.

WHEREAS, The Federal Government manages and controls over 85 percent of the land in Nevada; and

WHEREAS, Nevada has an abundance of natural resources, including vast areas of land suitable for raising livestock ~~and~~ **and for conservation and general recreational use,** large deposits of gold, silver, copper and other

minerals, and plentiful renewable resources, including, without limitation, sun, wind and geothermal resources that may be used to generate electricity; and

WHEREAS, Many of those renewable resources are located on public lands managed and controlled by the Federal Government; and

WHEREAS, Activities that occur on those public lands increase the demand for services provided by the State of Nevada and local governments in Nevada; and

WHEREAS, The State of Nevada and local governments in Nevada are limited in their ability to collect taxes or other fees from the Federal Government or from the users of public lands to fund services provided by the State and local governments; and

WHEREAS, The Federal Government receives revenue from the licensing and permitting of activities that occur on those public lands, including mining, grazing livestock, general recreational use and generating electricity from renewable resources; and

WHEREAS, In recent years, efforts have been made to curtail the practice by the Federal Government of sharing a portion of that revenue with the State of Nevada and local governments, including curtailing the practice of sharing with the counties a portion of the revenue derived from the lease of public lands and royalties from the generation of electricity from geothermal resources; and

WHEREAS, Recent legislation introduced in the 111th and 112th United States Congress would have, if enacted, required the Secretary of the Interior to establish a leasing program for wind and solar energy development on federal public lands; and

WHEREAS, Such legislation would also have required the sharing of a portion of the revenue from the competitive leasing program with the counties from which the revenue is derived, thereby creating a beneficial and meaningful role for counties in Nevada; and

WHEREAS, The members of the 113th Congress are now considering the budget submitted by the United States Department of the Interior for federal Fiscal Year 2014, and its possible effects on the counties' share of royalties derived from the generation of electricity from geothermal resources; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby urge Congress:

1. To ensure that the public lands in Nevada that are managed and controlled by the Federal Government remain open and accessible to multiple uses ~~and~~, such as raising livestock, mining, conservation, general recreational use and the use of renewable resources, including, without

limitation, sun, wind and geothermal resources that may be used to generate electricity; and

2. To enact legislation ensuring that the State of Nevada and the affected local governments in Nevada receive a portion of the revenue received by the Federal Government for activities conducted on the federal public lands in Nevada and ensuring that such sharing includes, without limitation, the continuation of federal laws and policies whereby local governments receive appropriate rents and royalties for activities which generate electricity from geothermal resources; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 121.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 80, 224, 260, and 311 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Spiegel moved that upon return from the printer, Assembly Bill No. 95 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that the Assembly suspend section 4 of Assembly Standing Rule 57 through April 12, 2013, for the purpose of allowing the committees to take final action on bills and resolutions on the same day they are heard.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Rumford and Mert Rumford.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Hoffman and Lynne Hoffman.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Heryet, Diana Orrock, Carl Bunce, Jeff Campbell, and Priscilla Campbell.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Titus.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick, Eddie Facey, and Jo Ellen Facey.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Roe Rothwell.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Edward Hamilton.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Dixon and Kathie Dixon.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to LisaMarie Johnson, Kenneth Bent, and Pat Kerby.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Kennedy and Juanita Cox.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 9, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:44 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly