

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 10, 2013

Assembly called to order at 11:39 a.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father in Heaven.

Today, we pray for Your gift of contentment, that we may not waste our time desiring more but learn to use and enjoy what we have.

We may not know everything, but we may know You and Your will. We need not be rich to be generous nor have all wisdom to be understanding. Our influence may not be great, but it can be good. Our speech may not be eloquent, but it can be truthful and sincere. We cannot all have good looks, but we can have a good conscience, and having that, we shall have peace of mind and need fear no man.

May we be kind to one another, tenderhearted, forgiving one another, even as You for Christ's sake have forgiven us.

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 Education, to which was referred Assembly Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 276, 419, 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 Committee on Judiciary, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 46, 290, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

IRENE BUSTAMANTE ADAMS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 9, 2013

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 118, 150, 190, 191, 301, 314, 361, 412, 444, 446; and

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measure is not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bill No. 203; and

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Senate Bill No. 499 is not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bills Nos. 451, 500; Senate Joint Resolution No. 8; Bill Draft Request 17-515.

RICHARD S. COMBS
Director

April 9, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 38, 78, 153, 202, 220, 238, 241, 270, 272, 275, 278, 279, 293, 296, 303, 307, 323, 345, 365, 388, 390, 402, 404, 426, 453; Assembly Joint Resolution No. 8.

CINDY JONES
Fiscal Analysis Division

April 10, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 476, 480 and 489.

CINDY JONES
Fiscal Analysis Division

Assembly Concurrent Resolution No. 3.

Resolution read.

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

Amendment No. 127.

SUMMARY—Expresses support for the educational programs ~~[]~~ and partnerships ~~[and recycling efforts]~~ of the International Environmental Youth Campaign of the America's Schools Program. (BDR R-122)

ASSEMBLY CONCURRENT RESOLUTION—Expressing support for the educational programs ~~[]~~ and partnerships ~~[and recycling efforts]~~ of the International Environmental Youth Campaign of the America's Schools Program.

WHEREAS, The mission of the International Environmental Youth Campaign of the America's Schools Program is to help fund environmental education programs ~~[and extracurricular activities]~~ in the K-12 schools in this State and across the United States through the ~~[sale of officially licensed consumer products and services under its nationally recognized brand;]~~ establishment of partnerships with businesses, organizations and institutions which support the development and distribution of a curriculum of environmental education; and

WHEREAS, In furtherance of its mission, the International Environmental Youth Campaign of the America's Schools Program ~~[sells officially licensed products and services to promote and fund extracurricular activities such as drama, music and athletics, in addition to school programs concerned with promoting social awareness, humanitarianism and]~~ has created an educational curriculum to increase the awareness and understanding of students concerning critical environmental issues, to promote the environmental responsibility ~~[]~~ of those students and to motivate those students to take action at home, at school and in their community; and

WHEREAS, The ~~[establishment of a recognizable brand which is exclusively associated with K-12 schools in the United States allows consumers to fund schools and educational programs by purchasing licensed products and services which are sold under the national brand]~~ International Environmental Youth Campaign of the America's Schools Program ~~[]~~ also seeks to educate this nation's youth concerning the personal actions, public policy initiatives and available technologies which may reduce the negative effects of human activities on the environment and which may protect wildlife and the health of humans now and in the future; and

WHEREAS, The International Environmental Youth Campaign of the America's Schools Program ~~[supports extracurricular activities such as drama, music and athletics through a recycling program which partners with~~

~~thousands of businesses and organizations across the country to recycle used inkjet and toner cartridges and cellular telephones;~~ **provides information and methods to this nation's youth to allow them to be agents for environmental protection and to progress through various activities, including, without limitation, participation in annual state and national environmental youth summits, selection as environmental youth ambassadors from each participating state for domestic and overseas student exchange programs and engaging in research, creative design and writing contests that reward learning and promote responsible actions concerning the environment;** and

WHEREAS, The **educational programs of the International Environmental Youth Campaign of the America's Schools Program** ~~has partnered with Jet Plastics, Inc., to produce marketable products using recycled plastics which are sold at retail and for which participating schools receive a royalty;~~ **provide knowledge and skills to students to assist those students in becoming more responsible citizens who have an increased ability to engage in communication and take action concerning environmental issues;** and

WHEREAS, ~~The~~ **In addition to its mission, the goal of the educational programs of the International Environmental Youth Campaign of the America's Schools Program** ~~has partnered with Major League Soccer, Youth for Human Rights International and the Nevada Parent Teacher Association to promote awareness of the United Nation's Universal Declaration of Human Rights and other important social issues affecting~~ **is to teach the youth in this State and across the United States** ~~such as diversity, respect, fair play, leadership, education, health and wellness;~~ **about environmental conservation and sustainability;** and

WHEREAS, The ~~America's Schools Program has partnered with the Earth Organization to bring educational programs about the environment and conservation to this nation's schools;~~ **recycling of plastics is a critical component of environmental conservation and sustainability;** and

WHEREAS, The **International Environmental Youth Campaign of the America's Schools Program** ~~seeks to create a "Youth Learning Platform" to educate this nation's youth about conservation and sustainability;~~ **partners with leading recycling companies that have the technology to recycle plastic waste and create environmentally safe and useful products;** and

WHEREAS, The **International Environmental Youth Campaign of the America's Schools Program** ~~seeks to educate this nation's youth about recycling and advancing environmental technologies to address natural environmental change and the human impact on the environment;~~ **recognizes the potential of its partners to increase greatly the recycling of plastic waste in this State and across the United States;** and

WHEREAS, The **businesses, organizations and institutions that partner with the International Environmental Youth Campaign of the** America's Schools Program ~~[gives]~~ **recognize the value and importance of educating** this nation's youth ~~[a voice and a vehicle by which they can promote environmental conservation and sustainability on a local, state and national level through recycling; and~~

~~Whereas, The America's Schools Program sponsors an Environmental Youth Summit in this State and other states to empower, inform and develop youth environmental ambassadors by increasing their knowledge of the environment and providing a platform by which youth can conduct a dialogue with the environmental sciences community, businesses, political leaders and other organizations to promote and support conservation and environmental responsibility; and~~

~~Whereas, The America's Schools Program has partnered with thousands of businesses and organizations in the United States to fund education in the United States, promote social awareness among the students of this nation's schools and promote environmental responsibility through recycling programs and partnerships;~~ **concerning the environment and, through those partnerships, support the International Environmental Youth Campaign of the America's School Program and its educational programs and activities in this State and across the United States;** now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 77th Session of the Nevada Legislature express their support **for the International Environmental Youth Campaign** of the America's Schools Program in its efforts to **develop and fund environmental education programs in K-12 schools in this State and across the United States through** ~~[the development and promotion of a national brand which is identified with the nation's schools;]~~ **the establishment of partnerships with businesses, organizations and institutions;** and be it further

RESOLVED, That the Nevada Legislature urges the **International Environmental Youth Campaign of the** America's Schools Program **and its partners** to continue ~~[its]~~ **their** efforts to educate and inspire this nation's youth with respect to ~~[social]~~ **environmental** issues ~~[, humanitarianism]~~ and **personal** environmental responsibility; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Nevada Congressional Delegation, the Governor of the State of Nevada, the Superintendent of Public Instruction and each member of the State Board of Education.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assemblywoman Diaz moved that the action whereby Assembly Bill No. 353 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

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

Amendment No. 168.

AN ACT relating to public welfare; providing for the inclusion in the State Plan for Medicaid of emergency care, including dialysis, for patients with kidney failure; ~~providing for the presumptive eligibility for Medicaid of certain applicants for assistance under the Supplemental Security Income Program;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 2 of this~~ **This** bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a requirement that the State cover certain costs of emergency care, including dialysis, provided to patients with kidney failure.

~~Existing federal law stipulates that persons with disabilities who receive assistance pursuant to the Supplemental Security Income Program are also eligible for Medicaid coverage. (42 U.S.C. § 1396a(a)(10)(II)(aa)) Section 3 of this bill requires the Director of the Department to include in the State Plan for Medicaid a program to provide a preliminary determination of eligibility for a person with a disability who applies for assistance under the Supplemental Security Income Program. Section 3 also provides that if a preliminary determination is made that the person is eligible for the Supplemental Security Income Program, the person must be made eligible for Medicaid.]~~

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses*

incurred in the administration of dialysis that is provided to stabilize a patient with kidney failure and further emergency care necessary for the treatment of such kidney failure.

2. For the purposes of this section, "dialysis" means the method by which a dissolved substance is removed from the body of a patient by diffusion, osmosis and convection from one fluid compartment to another fluid compartment across a semipermeable membrane.

~~Sec. 3. *1. The Director shall include in the State Plan for Medicaid:*~~
~~*(a) A program for making a preliminary determination about whether an applicant who is a person with a disability is eligible for assistance under the Supplemental Security Income Program; and*~~
~~*(b) A requirement that a person for whom a preliminary determination has been made that the person is eligible for assistance under the Supplemental Security Income Program is eligible for Medicaid.*~~
~~*2. If a person is made eligible for Medicaid pursuant to subsection 1, the person remains eligible for Medicaid if there is a final determination that he or she is eligible for the Supplemental Security Income Program. If it is determined that the person is not eligible for the Supplemental Security Income Program, he or she is no longer eligible for Medicaid.*~~
~~*3. A person who is determined not eligible for the Supplemental Security Income Program must not be required to reimburse Medicaid for any expenses incurred by Medicaid in providing coverage to the person pending that determination.*~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 422.270 is hereby amended to read as follows:~~
~~422.270 The Department shall:~~
~~1. Administer all public welfare programs of this State, including:~~
~~(a) State Supplementary Assistance;~~
~~(b) Temporary Assistance for Needy Families;~~
~~(c) Medicaid;~~
~~(d) Food Stamp Assistance;~~
~~(e) Low Income Home Energy Assistance;~~
~~(f) The Program for Child Care and Development;~~
~~(g) The Program for the Enforcement of Child Support;~~
~~(h) The Children's Health Insurance Program; and~~
~~(i) Other welfare activities and services provided for by the laws of this State.~~
~~2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.~~
~~3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration~~

~~found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.~~

~~4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.~~

~~5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.~~

~~6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program [], including, without limitation, any agreement which may be necessary to carry out the provisions of section 3 of this act.~~

~~As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.] **(Deleted by amendment.)**~~

Sec. 5. 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. 14.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 34.

AN ACT relating to motor vehicles; revising provisions concerning temporary permits to act as a salesperson; **revising provisions concerning licenses of salespersons**; allowing the Department of Motor Vehicles to reinstate the registration of a dormant vehicle or remove the suspension of that registration under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when a person holding a temporary permit to act as a salesperson of vehicles ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the permit is automatically suspended, the

person's right to act as a salesperson immediately ceases and the person's application for licensure must be denied by the Department of Motor Vehicles unless the person has: (1) paid a \$20 transfer fee; (2) submitted a certificate of employment indicating that the person has been reemployed with a licensed and bonded dealer, lessor or rebuilder; and (3) presents a current temporary permit or new salesperson's license to the person's employer. Existing law further provides that, if a person's application for a salesperson's license has been denied, the person must wait at least 6 months to reapply. (NRS 482.362) **Section 1** of this bill deletes the provision requiring that the application for licensure of a person holding a temporary permit be denied if that person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, thus allowing that person to resume the application process upon finding employment elsewhere. **Section 1** also expressly prohibits the person from engaging in the activity of a salesperson during the period in which the person is unemployed. **Section 1 provides additionally that, if a person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, the salesperson is not required to physically surrender his or her license, but the dealer, lessor or rebuilder, as applicable, is required to notify the Department that the employment has ceased, and the person is not allowed to engage in the activity of a salesperson until he or she is reemployed by a licensed and bonded dealer, lessor or rebuilder.**

Under existing law, the Department is required to suspend the registration of any motor vehicle for which the Department cannot verify coverage of liability insurance. If the registered owner of the motor vehicle proves to the satisfaction of the Department that the motor vehicle was a dormant vehicle during the period in which the Department was unable to verify liability insurance coverage, the Department is required to reinstate the registration and, if applicable, reissue the license plates for the motor vehicle only after the owner of the motor vehicle pays a fee of \$50. (NRS 485.317) **Section 4** of this bill allows the Department to remove the suspension of the registration without requiring the owner of the vehicle to pay a fee or administrative fine.

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

Section 1. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesperson of vehicles, trailers or semitrailers, or act in the capacity of a salesperson as defined in this chapter, in the State of Nevada without first having received a license or temporary permit from the Department. Before issuing a license or

temporary permit to engage in the activity of a salesperson, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesperson, his or her residence address and social security number, and the name and address of the applicant's employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.

(e) For initial licensure, the applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary permit to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesperson of vehicles, trailers or semitrailers, or to act in the capacity of a salesperson as defined in this chapter, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesperson's license may be denied and a salesperson's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that the applicant is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) Evidence of unfitness as described in NRS 482.3255.

(g) Failure of the applicant to provide any information deemed necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesperson of vehicles shall not engage in any sales activity, or act in any other capacity as a salesperson as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesperson's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesperson's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder ~~for whom~~ **who employs** the salesperson ~~is licensed~~ to sell vehicles. **If a licensed salesperson ceases to be employed by the dealer, lessor or rebuilder, the dealer, lessor or rebuilder, as applicable, shall surrender the salesperson's license to the salesperson by the end of the next business day after the employment ceases.**

8. If a licensed salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder ~~, the license to act as a salesperson is automatically suspended and the right to act as a salesperson thereupon immediately ceases, and the~~ **:**

(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases; and

(b) The person shall not engage in the activity of a salesperson until he or she has ~~paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he or she has~~ been reemployed by a licensed and bonded dealer, lessor or rebuilder ~~, and has thereafter presented a current temporary permit or a new salesperson's license to the employer.~~ The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.

9. If a licensed salesperson changes his or her residential address, the salesperson shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. If a person who holds a temporary permit to act as a salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder ~~, the permit to act as a salesperson is automatically suspended, the right to act as a salesperson thereupon immediately ceases, and the~~ **person's application for licensure must be denied unless** **:**

(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases; and

(b) The person shall not engage in the activity of a salesperson until he or she has ~~paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he or she has~~ been reemployed by a

licensed and bonded dealer, lessor or rebuilder . ~~], and has thereafter presented a current temporary permit or a new salesperson's license to the employer.]~~ **The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.**

11. ~~[A licensed dealer, lessor or rebuilder who employs a licensed salesperson shall notify the Department of the termination of his or her employment within 10 days following the date of termination by forwarding the salesperson's license to the Department.~~

~~12.]~~ Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 2. NRS 482.480 is hereby amended to read as follows:

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

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

2. Except as otherwise provided in subsection 3:

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

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

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

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

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

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

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

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

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

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

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

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

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

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

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

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

Sec. 3. NRS 482.557 is hereby amended to read as follows:

482.557 1. Except as otherwise provided in subsection ~~7~~ 6 of NRS 485.317, if a registered owner failed to have insurance on the date specified by the Department pursuant to NRS 485.317:

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

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

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

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

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

(3) More than 180 days:

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

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

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

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

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

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

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

(3) More than 180 days:

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

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

(c) For a third or subsequent offense:

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

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

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

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

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

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

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

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

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

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

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department

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

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

5. Except as otherwise provided in subsection ~~6~~, ~~7~~ the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and compliance with the requirements for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

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

~~7.~~ If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances ~~or that the motor vehicle was a dormant vehicle and the owner failed to cancel the registration in accordance with subsection 3 of NRS 485.320~~, the Department may:

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

(b) ~~Reinstate~~ **Remove** the suspension of the registration without the payment of a fee ~~or administrative fine~~.

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

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 20.

Bill read second time.

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

Amendment No. 126.

AN ACT relating to agriculture; deleting provisions which authorize the Director of the State Department of Agriculture to remove certain persons from office with the approval of the State Board of Agriculture; revising the classification and qualifications of certain persons appointed by the Director; expanding the purposes for which expenditures from the Livestock Inspection Account and for the Program for the Control of Pests and Plant Diseases may be made; requiring an inspector of the Department to notify an agricultural enforcement officer of certain findings made by the inspector concerning the actual legal owner of an animal; revising the circumstances under which a person may possess the carcass of a bovine animal; revising provisions governing certain farm products other than livestock, livestock products or poultry; revising the circumstances under which a person must obtain a license to engage in pest control; repealing provisions governing the Agricultural Loan Mediation Program ~~;~~ **and** slaughtering cattle without a formal inspection ~~; ; and licenses to engage in activities concerning the control of wood destroying pests or organisms;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the State Department of Agriculture to appoint certain persons to manage and carry out the activities of the Department. (NRS 561.205, 561.209, 561.214, 561.218, 561.225) **Sections 1-5** of this bill revise the qualifications and duties of those persons and the authority of the Director to remove them. Specifically, **section 4** provides that the person appointed by the Director to manage the activities of the Department relating to natural resources and land use planning will no longer manage activities relating to the control of wild horses ~~;~~ **or the control of noxious weeds.**

Existing law creates the Livestock Inspection Account and the Program for the Control of Pests and Plant Diseases. (NRS 561.344, 561.375) **Sections 6 and 7** of this bill expand the purposes for which money may be expended from the Account or for the Program.

Under existing law, if a person is unable during a brand inspection to establish his or her legal ownership of any animal offered for inspection and the inspector conducting the brand inspection is able to determine the identity of the actual legal owner of the animal, the inspector is required to notify the legal owner in writing of the inspector's findings. (NRS 565.140) **Section 8** of this bill removes the requirement to place such notice in writing and requires the inspector to notify ~~the legal owner of the animal or~~ an agricultural enforcement officer of his or her findings. **Section 8 requires the agricultural enforcement officer who receives the notice to investigate the findings of the inspector and to provide notification of those findings to the legal owner of the animal.**

Under existing law, it is unlawful for a person to have in his or her possession all or part of the carcass of any bovine animal unless the person exhibits the hide of the animal, a certificate of inspection or a bill of sale to a certain peace officer authorized by the Department. (NRS 566.025) **Section 9** of this bill deletes the requirement that the exhibition be made to such a peace officer and instead requires the exhibition to be made to an inspector or agricultural enforcement officer of the Department.

Existing law requires the Department to adopt regulations pursuant to which a person may obtain certification that he or she is an actual producer of an agricultural product of the soil and authorizes the Department to impose fees for that certification. A person who obtains that certification is exempt from the payment of certain taxes. (NRS 576.128) **Section 14** of this bill revises existing law by providing that a person may obtain certification that he or she is an actual producer of farm products including all agricultural, horticultural, viticultural, vegetable products and hay other than any livestock, livestock product or poultry.

Existing law prohibits a person from engaging in pest control in this State or serving as an agent, operator or pilot for that purpose without obtaining a license issued by the Director. (NRS 555.280) **Section 21** of this bill expands existing law by prohibiting a person from serving as a primary principal or principal for that purpose without obtaining such a license. **Section 17** of this bill defines the term "principal" as an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more categories of pest control. **Section 16** of this bill defines the term "primary principal" as a principal who has been designated by a pest control business as the person responsible for the daily supervision of each category of pest control. **Section 19** of this bill revises the definition of "pest control" by adding certain activities to the definition.

Existing law requires any company or person employing pest control operators, agents or pilots to pay to the Director a fee established by regulation of the State Board of Agriculture. (NRS 555.310) **Section 22** of

this bill revises that requirement by requiring a company or person to pay the fee if the company or person employs a primary principal or principal. **Section 22** deletes the requirement for the payment of the fee for a pilot who is employed by the company or person.

Existing law: (1) requires each applicant for a pest control license to provide proof of insurance in an amount that is not less than \$10,000, unless the license authorizes the application of pesticides by aircraft; (2) authorizes the Director to investigate any loss or damage from the application of a pesticide by a licensed pest control operator; and (3) authorizes the Director to revoke, suspend or modify a pest control license if he or she finds that the licensee engaged in the business of pest control without having a licensed applicator or operator in direct on-the-job supervision or the licensee was intentionally guilty of fraud or deception in issuing an inspection report on wood-destroying pests or any other report required by regulation. (NRS 555.330, 555.350) **Section 23** of this bill: (1) increases the amount of insurance required for each applicant for a pest control license to an amount which is not less than \$50,000; and (2) expands the authority of the Director to conduct an investigation by authorizing him or her to investigate any loss or damage resulting from the application of a pesticide by a primary principal or principal. **Section 24** of this bill revises the authority of the Director to revoke, suspend or modify a pest control license by authorizing him or her to revoke, suspend or modify the license if he or she finds that the licensee: (1) engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision; or (2) was intentionally guilty of fraud, falsification or deception in issuing an inspection report on wood-destroying pests or any other report or record required by regulation.

Under existing law, a person who is licensed to engage in pest control is required to ensure that each of the licensee's business locations in this State has a primary principal who is licensed in the appropriate categories of pest control. If the licensee ceases to have a primary principal at each of those locations for 30 consecutive calendar days, his or her license is automatically suspended and remains suspended until he or she obtains a primary principal for each of those locations. (NRS 555.3507) **Section 25** of this bill deletes the requirement that the licensee retain a primary principal for each of those locations and the accompanying provisions concerning the suspension of the licensee. Instead, **section 25** only requires the licensee to ensure that the licensee's business has a primary principal who is licensed in the appropriate categories of pest control.

Section 26 of this bill repeals provisions of existing law governing: (1) the ~~issuance of licenses to engage in activities concerning the control of wood-destroying pests or organisms;~~ (2) ~~the~~ establishment and administration of

the Agricultural Loan Mediation Program; ~~[(3)]~~ (2) the retention of hides by persons who slaughter cattle without a formal inspection system; and ~~[(4)]~~ (3) the conducting of inspections by inspectors of the Department and peace officers. **Section 26** also repeals the provisions of NRS 571.035, which impose a special tax upon certain classes of livestock. **Sections 10-13** of this bill reenact the provisions relating to the tax without change within chapter 575 of NRS, which governs the collection of taxes related to livestock, thereby expressing the intent of the Legislature to move those provisions to a more appropriate chapter of NRS. The reenactment of those provisions is not intended to be a substantive change to those provisions.

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

Section 1. NRS 561.205 is hereby amended to read as follows:

561.205 The Director shall appoint a person to manage the activities of the Department relating to the protection and promotion of the livestock industry of the State of Nevada. The person is in the unclassified service of the State and must:

1. Be appointed on the basis of merit;
2. Be a graduate of a veterinary school or college approved by the American Veterinary Medical Association; and
3. Have at least 5 years' experience in official work for regulating and controlling diseases in livestock.

~~[-] The Director may remove the person from office with the approval of the Board.~~

Sec. 2. NRS 561.209 is hereby amended to read as follows:

561.209 The Director shall appoint a person to manage the activities of the Department relating to brands and marks and brand inspection in the State of Nevada. The person must be appointed on the basis of merit and is in the unclassified service of the State. ~~[-] The Director may remove the person from office with the approval of the Board.~~

Sec. 3. NRS 561.214 is hereby amended to read as follows:

561.214 The Director shall appoint a person to manage the activities of the Department relating to the protection and promotion of the agricultural industry of the State of Nevada. The person is in the ~~unclassified~~ *classified* service of the State and must ~~[-] be:~~

1. ~~[-] Be appointed~~ *Appointed* on the basis of merit; *and*
2. ~~[-] Be a~~ A graduate of an accredited college or university with a major in *agricultural business or in* one of the agricultural sciences. ~~[-] and~~
3. ~~[-] Have at least 5 years' experience in official work for regulating agriculture.~~

~~↪ The Director may remove the person from office with the approval of the Board.]~~

Sec. 4. NRS 561.218 is hereby amended to read as follows:

561.218 1. The Director shall appoint a person to manage the activities of the Department relating to natural resources ~~[,]~~ **and** land use planning . ~~[and the management and control of wild horses, estrays and feral livestock.]~~ The person must be appointed on the basis of merit and is in the unclassified service of the State. ~~[The Director may remove the person from office with the approval of the Board.]~~

2. The person appointed shall:

~~[(a)]~~ ~~Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.~~

~~[(b)]~~ Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

~~[(c)]~~ ~~Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.~~

~~[(d)]~~ **(b)** Monitor gatherings of estrays and feral livestock conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

~~[(e)]~~ **(c)** Provide the members of the general public with information relating to the activities of the Department and solicit recommendations from the members of the general public and advisory groups concerning those activities.

~~[(f)]~~ **(d)** Make assessments of the level of competition between livestock and wildlife for food and water ~~[,]~~ **and shall** collect data concerning the movement of livestock ~~[, and perform activities necessary to control noxious weeds.]~~

~~[(g)]~~ **(e)** Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.

~~[(h)]~~ **(f)** Present testimony, conduct research and prepare reports for the Governor, the Legislature, the Director and any other person or governmental entity as directed by the Director.

~~[(i)]~~ **(g)** Develop and carry out a program to educate the members of the general public concerning the programs administered by the Department,

including programs for the management and control of estrays and feral livestock.

~~[(j)]~~ **(h)** Make proposals to the Director for the amendment of the regulations adopted by the Board pursuant to NRS 561.105.

~~[(k)]~~ **(i)** Perform such other duties as directed by the Director.

3. As used in this section:

(a) "Estray" has the meaning ascribed to it in NRS 569.0075.

(b) "Feral livestock" has the meaning ascribed to it in NRS 569.008.

~~[(c) "Wild horse" means a horse, mare or colt which is unbranded and unclaimed and lives on public land.]~~

Sec. 5. NRS 561.225 is hereby amended to read as follows:

561.225 1. The Director shall appoint such technical, clerical and operational staff as the execution of the Director's duties and the operation of the Department may require.

2. The Director may designate such department personnel as are required to be field agents and inspectors in the enforcement of the provisions of Titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS. ~~[The provisions of this subsection do not authorize any department personnel so designated by the Director to retire from the Public Employees' Retirement System before having attained the minimum service retirement age of 60 years.]~~

Sec. 6. NRS 561.344 is hereby amended to read as follows:

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a cooperative agreement established pursuant to NRS 569.031.

(e) Fees collected pursuant to the provisions of chapter 573 of NRS.

(f) Fees collected pursuant to the provisions of chapter 576 of NRS.

(g) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 565, 569, 571, 573 and 576 of NRS.

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

Sec. 7. NRS 561.375 is hereby amended to read as follows:

561.375 1. The Program for the Control of Pests and Plant Diseases is hereby established.

2. Money accepted by the Department under the provisions of NRS 555.010 to 555.460, inclusive, from the Federal Government or any federal department or agency, a county, a city, a public district or any political subdivision of this State, a public or private corporation, or a natural person, may be used in the Program for the Control of Pests and Plant Diseases.

3. Expenditures for the Program for the Control of Pests and Plant Diseases may be made only to carry out the provisions of this chapter and ~~chapter~~ **chapters 552, 554, 555 and 587** of NRS.

Sec. 8. NRS 565.140 is hereby amended to read as follows:

565.140 1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any person or persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right of possession and the inspector shall be able to determine by means of the brands or brands and marks on such animal or animals, or upon other reliable evidence, the actual legal owner or owners of such animal or animals, the inspector shall immediately notify ~~[such legal owner or owners]~~ ~~[in writing]~~ **for an agricultural enforcement officer** of the inspector's findings.

2. The inspector shall include in such notice:

- (a) The date and place where such animal or animals were found.
- (b) A full description of the same.
- (c) The name and address of any person or persons in whose possession they were found.
- (d) All other information which may aid the ***agricultural enforcement officer or the*** legal owner or owners of such animal or animals in securing the return thereof or compensation therefor, or in any civil suit or criminal prosecution relating thereto.

3. **Upon receipt of the notice, the agricultural enforcement officer shall investigate the findings of the inspector and, as soon as practicable, provide notification of those findings to the legal owner or owners of such animal or animals.**

4. **As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in regulations adopted by the Department.**

Sec. 9. NRS 566.025 is hereby amended to read as follows:

566.025 *I.* It is unlawful for any person to have in his or her possession all or part of the carcass of any bovine animal unless:

~~1.] (a)~~ The animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release; or

~~2.] (b)~~ The person exhibits to any ~~peace officer authorized by the Department under NRS 566.035, or to any~~ inspector *or agricultural enforcement officer* of the Department, on demand:

~~(a)] (1)~~ The hide of the animal from which the carcass was obtained, with ears and brands attached without disfiguration or alteration;

~~(b)] or~~

(2) A certificate of inspection or release of the carcass, or of the carcass and hide, issued by an inspector of the Department . ~~or~~

~~(c) A bill of sale, memorandum of sale or other document, signed by the seller or donor of the meat, showing the name and address of the seller or donor.]~~

2. *As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in regulations adopted by the Department.*

Sec. 10. Chapter 575 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Upon approval of the report of owners of livestock and sheep pursuant to NRS 575.180, the Department shall fix the amount of the annual special tax on each head of the following specified classes of livestock, which, except as otherwise provided in subsection 2, must not exceed the following rates per head for each class:*

<i>Class</i>	<i>Rate per head</i>
<i>Stock cattle</i>	<i>\$0.28</i>
<i>Dairy cattle</i>	<i>.53</i>
<i>Horses</i>	<i>.75</i>
<i>Mules</i>	<i>.75</i>
<i>Burros or asses</i>	<i>.75</i>
<i>Hogs and pigs</i>	<i>.07</i>
<i>Goats</i>	<i>.06</i>

2. *The minimum special tax due annually pursuant to this section from each owner of livestock is \$5.*

3. *Upon the receipt of payment of the special tax and the report thereof by the State Controller, the Department shall credit the amount of the tax as paid on its records.*

4. The special taxes paid by an owner of livestock, when transmitted to the State Treasurer, must be deposited in the Livestock Inspection Account.

5. As used in this section:

(a) **“Dairy cattle” are bulls, cows and heifers of the dairy breeds that are more than 6 months old.**

(b) **“Stock cattle” are:**

(1) **Steers of any breed and other weaned calves of the beef breeds that are more than 6 months old; and**

(2) **Bulls, cows and older heifers of the beef breeds.**

(c) **The classes consisting of horses, mules, and burros and asses exclude animals that are less than 1 year old.**

Sec. 11. NRS 575.080 is hereby amended to read as follows:

575.080 As used in NRS 575.080 to 575.230, inclusive, **and section 10 of this act**, unless the context otherwise requires:

1. “Board” means the State Board of Agriculture.

2. “Department” means the State Department of Agriculture.

3. “Livestock” means the animals subject to the taxes levied pursuant to ~~[NRS 571.035.]~~ **section 10 of this act.**

4. “Sheep” means the animals subject to the taxes levied pursuant to NRS 562.170 and 567.110.

5. “Tax” means any of the taxes levied pursuant to NRS 562.170, 567.110 and ~~[571.035.]~~ **section 10 of this act.**

Sec. 12. NRS 575.205 is hereby amended to read as follows:

575.205 1. Except as otherwise provided in subsection 2, any person who fails to pay the tax levied by the Department pursuant to ~~[NRS 571.035.]~~ **section 10 of this act**, within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax that is owed, in addition to the tax, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date the tax was due until the date of payment.

2. The Department may, for good cause shown, waive or reduce the payment of the interest or penalty, or both, that is required to be paid pursuant to subsection 1. The Department shall, upon the request of any person, disclose:

(a) The name of the person whose interest or penalty was waived or reduced; and

(b) The amount so waived or the amount of the reduction.

3. All taxes levied by the Department on livestock pursuant to ~~[NRS 571.035.]~~ **section 10 of this act**, and all penalties and interest accrued thereon, constitute a lien upon the livestock until paid.

Sec. 13. NRS 575.210 is hereby amended to read as follows:

575.210 Whenever any taxes, or penalties or interest for delinquencies pursuant to NRS 562.175, 575.130 or 575.205 are paid to the Department,

the Department shall record the payment and the date thereof with the name of the person liable therefor, and the amount of taxes, penalties and interest collected pursuant to NRS 562.170, 562.175, 567.110, ~~[571.035,]~~ 575.130 and 575.205, **and section 10 of this act**, and transmit the revenue thereof to the State Controller for deposit into the appropriate account or fund in the State Treasury.

Sec. 14. NRS 576.128 is hereby amended to read as follows:

576.128 1. The Department shall adopt regulations pursuant to which a person may obtain certification that the person is an actual producer of ~~[an agricultural product of the soil.]~~ **farm products other than any livestock, livestock product or poultry.** The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The Department may impose fees for the certification of ~~[persons]~~ **a person** as **an** actual ~~[producers]~~ **producer** of ~~[an agricultural product of the soil]~~ **farm products specified in subsection 1** and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the Department of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, ~~[an agricultural product of the soil]~~ **farm products specified in subsection 1** for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to the provisions of chapter 446 of NRS to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, ~~[an agricultural product of the soil]~~ **farm products specified in subsection 1** for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to the provisions of chapter 446 of NRS relating to such a sale or offer to sell.

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.

Sec. 16. **“Primary principal” means a principal who has been designated by a pest control business as the person responsible for the daily supervision of each category of pest control.**

Sec. 17. “Principal” means an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more categories of pest control.

Sec. 18. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, **and sections 16 and 17 of this act**, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, **and sections 16 and 17 of this act** have the meanings ascribed to them in those sections.

Sec. 19. NRS 555.2667 is hereby amended to read as follows:

555.2667 “Pest control” means **publicly holding oneself out as being in the business of detecting, preventing, controlling or exterminating pests or otherwise** engaging in, advertising or soliciting for:

1. The use for hire of pesticides or mechanical devices for the extermination, control or prevention of infestations of pests.

2. The inspection for hire of households or other structures and the submission of reports of inspection, estimates or bids, written or oral, for the inspection, extermination, control or prevention of wood-destroying pests.

Sec. 20. NRS 555.277 is hereby amended to read as follows:

555.277 1. The provisions of NRS 555.2605 to 555.460, inclusive, **and sections 16 and 17 of this act** relating to licenses and requirements for their issuance, except a certificate or permit to use a restricted-use pesticide, do not apply to any farmer-owner of ground equipment applying pesticides for himself, herself or his or her neighbors, if:

(a) The farmer-owner operates farm property and operates and maintains equipment for applying pesticides primarily for his or her own use.

(b) The farmer-owner is not regularly engaged in the business of applying pesticides **or performing pest control** for hire as ~~an~~ **an operator, primary principal or** principal or **as a** regular occupation, and the farmer-owner does not **advertise or solicit pest control or** publicly hold himself or herself out as **being in the business of pest control or as** a pesticide applicator.

(c) The farmer-owner operates his or her equipment for applying pesticides only in the vicinity of the farmer-owner’s own property and for the accommodation of the farmer-owner’s neighbors for agricultural purposes only.

2. The provisions of NRS 555.2605 to 555.460, inclusive, **and sections 16 and 17 of this act**, except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to any person using hand-powered equipment, devices or contrivances to apply pesticides to ~~lawns or to ornamental shrubs and trees~~ **any landscaped area** as an incidental part of the person’s business of taking care of ~~lawns and yards~~ **a landscaped area** for remuneration, if that person does not **advertise or solicit pest control or** publicly hold himself or herself out as being in the business

of *pest control or* applying pesticides and the cost of applying the pesticides does not exceed 20 percent of the total remuneration received.

Sec. 21. NRS 555.280 is hereby amended to read as follows:

555.280 A person shall not engage in pest control or serve as an agent, operator, ~~or~~ pilot, *primary principal or principal* for that purpose within this State at any time without a license issued by the Director.

Sec. 22. NRS 555.310 is hereby amended to read as follows:

555.310 1. The Director shall collect from each person applying for the examination or reexamination a testing fee established by regulation of the State Board of Agriculture.

2. Upon the successful completion of the testing, the Director shall, before the license is issued, collect from each person applying for a license for pest control an annual fee established by regulation of the State Board of Agriculture. Any company or person employing *primary principals, principals*, operators ~~or pilots~~ or agents shall pay to the Director a fee established by regulation of the Board for each *primary principal, principal*, operator ~~or pilot~~ or agent licensed.

Sec. 23. NRS 555.330 is hereby amended to read as follows:

555.330 1. The Director shall require from each applicant for a pest control license proof of public liability and property damage insurance in an amount of:

(a) Except as otherwise provided in paragraph (b), not less than ~~[\$10,000.]~~ **\$50,000.**

(b) If the license would authorize the application of pesticides by aircraft:

(1) Not less than \$100,000 for bodily injury to or death of one person in any one accident;

(2) Subject to the limit for one person, not less than \$300,000 for bodily injury to or death of two or more persons in any one accident; and

(3) Not less than \$100,000 for each occurrence of damage to property in any one accident.

↪ The Director may accept a liability insurance policy or surety bond in the proper amount.

2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to humans, livestock, wildlife, crops or plantlife.

3. Any person injured by the breach of any such obligation is entitled to sue in his or her own name in any court of competent jurisdiction to recover the damages the person sustained by that breach, if each claim is made within 6 months after the alleged injury.

4. The Director on his or her own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he or she deems necessary, any loss or damage resulting from the application of any

pesticide by a licensed pest control operator ~~{}~~, *primary principal or principal*. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the person who filed the complaint.

Sec. 24. NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any license issued under NRS 555.2605 to 555.460, inclusive, *and sections 16 and 17 of this act* if the Director finds that:

- (a) The licensee is no longer qualified;
- (b) The licensee has engaged in fraudulent business practices in pest control;
- (c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;
- (d) The licensee has applied known ineffective or improper materials;
- (e) The licensee operated faulty or unsafe equipment;
- (f) The licensee has made any application in a faulty, careless or negligent manner;
- (g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, *and sections 16 and 17 of this act* or regulations adopted pursuant thereto;
- (h) The licensee engaged in the business of pest control without having a licensed ~~applicator or~~ *agent*, operator, *primary principal or principal* in direct on-the-job supervision;
- (i) The licensee aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, *and sections 16 and 17 of this act*, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed one's license to be used by an unlicensed person;
- (j) The licensee was intentionally guilty of fraud or deception in the procurement of his or her license;
- (k) The licensee was intentionally guilty of fraud, *falsification* or deception in the issuance of an inspection report on wood-destroying pests or other report *or record* required by regulation; or
- (l) The licensee has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving moral turpitude in any court of competent jurisdiction in the United States or any other country.

2. A license is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed

pursuant to NRS 555.330 is cancelled, and the license remains suspended until the insurance is re-established.

3. A licensee against whom the Director initiates disciplinary action to revoke, suspend or modify the license of the licensee pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director, submit to the Director a complete set of the licensee's fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. A willful failure of a licensee to comply with the requirements of subsection 3 constitutes an additional ground for the revocation, suspension or modification of the license of the licensee pursuant to this section.

5. The Director has additional grounds to revoke, suspend or modify a license pursuant to this section if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of a felony or crime specified in paragraph (l) of subsection 1.

Sec. 25. NRS 555.3507 is hereby amended to read as follows:

555.3507 ~~{1}~~ A person licensed to engage in pest control shall ensure that ~~each of~~ the licensee's business ~~locations in this State~~ has a primary principal who is licensed in the appropriate category or categories of pest control.

~~{2. If a licensee ceases to have a primary principal at each of the licensee's business locations in this State for 30 consecutive calendar days, his or her license for pest control is automatically suspended, without action of the Director, and remains suspended until such time as the licensee obtains a primary principal for each business location.~~

~~3. As used in this section, "primary principal" means an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more of the categories of pest control and who has been designated by the pest control business as the person responsible for the daily supervision of the category or categories of pest control performed by a business location of the pest control business within this State.~~

Sec. 26. NRS ~~{555.285}~~ 561.247, 566.027, 566.035 and 571.035 are hereby repealed.

Sec. 27. Any person who, before the effective date of this act, has obtained certification that the person is an actual producer of an agricultural product of the soil in accordance with regulations adopted by the State Department of Agriculture pursuant to NRS 576.128 shall, if he or she is otherwise qualified for that certification, be deemed to be certified as an actual producer of farm products other than any livestock, livestock product or poultry in accordance with NRS 576.128, as amended by section 14 of this act.

Sec. 28. 1. Any regulations adopted by the State Department of Agriculture pursuant to NRS 561.247 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this act.

2. Any information or document made confidential by the regulations specified in subsection 1 remains confidential.

3. Any agreement for the resolution of an agricultural debt entered into pursuant to the regulations specified in subsection 1 remains in effect in accordance with the provisions of the agreement.

4. If the State Department of Agriculture receives any fees from a participant in the Agricultural Loan Mediation Program before the effective date of this section, and if any portion of those fees remains unused on that date, the Department shall, as soon as practicable after that date, return the unused portion of those fees to the participant.

Sec. 29. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

~~[555.285 License required to engage in activities concerning control of wood-destroying pests or organisms.]~~

561.247 Establishment and administration of Agricultural Loan Mediation Program; fees for participation.

566.027 Persons slaughtering cattle without formal inspection system required to retain hides for 30 days; exhibition of hides or certificate of release.

566.035 Inspection by inspectors of Department and peace officers.

571.035 Maximum rate of tax; minimum tax; deposit in Livestock Inspection Account.

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. 22.

Bill read second time and ordered to third reading.

Assembly Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 48.

AN ACT relating to motor vehicles; providing for the limited issuance of special license plates to commemorate the 150th anniversary of Nevada's admission into the Union; imposing a fee for the issuance or renewal of such

license plates; revising provisions relating to the number of characters required to be contained on a license plate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the issuance of a special license plate to commemorate the 150th anniversary of Nevada's admission into the Union. Existing law provides that the regular fees for the initial issuance and renewal of a special license plate are \$35 and \$10, respectively, exclusive of any additional fees which may be added to generate funds for a particular cause. (NRS 482.265) Unlike the fees set forth in existing law, the fee set forth in this bill for the initial issuance of a special license plate to commemorate the 150th anniversary (sesquicentennial) of Nevada's admission into the Union is \$7.50 and there is no basic charge for the renewal of the special license plates, other than the fee that is required to be distributed to the Nevada Cultural Affairs Foundation. Existing law also requires \$35 of the fee received by the Department of Motor Vehicles for the initial issuance of a special license plate, exclusive of any additional fees which may be added to generate funds for a particular cause, to be deposited in the State Highway Fund for credit to the Revolving Account for the Issuance of Special License Plates. (NRS 482.1805) ~~However, this~~ **This bill requires the Department to deposit the \$7.50 received for the initial issuance of the sesquicentennial license plate with the State Treasurer for credit to ~~the Motor Vehicle Fund,~~ that Revolving Account. This bill also requires that an annual report concerning the revenues received and expenditures made in connection with the issuance of the commemorative license plates be submitted to the Director of the Legislative Counsel Bureau, and provides that in no event may the commemorative license plates be issued by the Department after October 31, 2016.**

This bill also provides that the additional fees collected for the issuance of the plate must be deposited in the State General Fund. The State Treasurer is required to distribute those additional fees, on a quarterly basis, to the Nevada Cultural Affairs Foundation. This bill exempts these special license plates from: (1) the provisions that require a minimum number of applications for the plates; (2) the requirement that the Commission on Special License Plates approve or disapprove the plates; and (3) the limit on the number of separate designs of special license plates that may be issued by the Department at any one time.

Section 5 of this bill deletes the requirement that a redesign of license plates ordered by the Director of the Department: (1) be in colors that are predominately blue and silver; and (2) contain letters and numbers that are of the same size. **Sections 6 and 11-19** of this bill delete the requirement that a license plate contain a certain finite number of characters and provide instead

that the Director will determine the number of characters to be contained on each license plate.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection ~~7~~ 8, the Department, in cooperation with the Nevada Cultural Affairs Foundation or its successor, shall design, prepare and issue license plates which commemorate the 150th anniversary of Nevada's admission into the Union, using any colors and designs that the Department deems appropriate.*

2. *The Department shall issue the commemorative license plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.*

3. *The fee for the commemorative license plates is \$7.50, in addition to all other applicable registration and license fees and governmental services taxes. The Department shall deposit the fee collected pursuant to this subsection with the State Treasurer for credit to the ~~Motor Vehicle Fund pursuant to the provisions of NRS 482.180.~~ Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.*

4. *Except as otherwise provided in this subsection, in addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates a fee of ~~10~~ \$20, to be distributed pursuant to subsection 5. The fees otherwise required to be paid pursuant to this subsection must not be charged after the date announced by the Director pursuant to subsection ~~7~~ 8.*

5. *The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. For the duration of the collection of such fees, the State Treasurer shall, on a quarterly basis, distribute the fees to the Nevada Cultural Affairs Foundation or its successor to be used for:*

(a) *A celebration of the 150th anniversary of Nevada's admission into the Union;*

(b) *Projects relating to the commemoration of Nevada's admission to the Union, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings and structures;*

(c) *Education relating to the history of the State of Nevada; and*

(d) *Other projects relating to preserving and protecting the heritage of the State of Nevada.*

6. On or before January 1 of each calendar year, the Division of Museums and History of the Department of Tourism and Cultural Affairs shall produce a report of:

(a) Revenues received from the issuance of the commemorative license plates issued pursuant to the provisions of this section; and

(b) Associated expenditures.

↪ and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature or the Legislative Commission, as appropriate.

7. If, during a registration year, the holder of the commemorative license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) *Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or*

(b) *Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.*

~~7.7~~ 8. The Director shall determine and, by public proclamation, announce the last date on which the Department will issue the commemorative license plates. The Department shall publish the announcement on its Internet website. In no case may the date that is determined and announced to be the last date on which the Department will issue the commemorative license plates be after October 31, 2016. The Department shall not issue:

(a) *The commemorative license plates after the date announced by the Director pursuant to this subsection.*

(b) *Replacement commemorative license plates for those license plates more than 5 years after the date announced by the Director pursuant to this subsection.*

Sec. 2. NRS 482.1805 is hereby amended to read as follows:

482.1805 1. The Revolving Account for the Issuance of Special License Plates is hereby created as a special account in the State Highway Fund. An amount equal to \$35 of the fee received by the Department for the initial issuance of a special license plate, not including any additional fee

which may be added to generate financial support for a particular cause or charitable organization, must be deposited in the State Highway Fund for credit to the Account.

2. The Department shall use the money in the Account to:

(a) Pay the expenses involved in issuing special license plates; and
(b) Purchase improved and upgraded technology, including, without limitation, digital technology for the production of special license plates, to ensure that special license plates are produced in the most efficient manner possible.

3. Money in the Account must be used only for the purposes specified in subsection 2.

4. At the end of each fiscal year, the State Controller shall transfer from the Account to the State Highway Fund an amount of money equal to the balance in the Account which exceeds \$50,000.

5. *The provisions of this section do not apply to section 1 of this act.*

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;
(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and
(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;
(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;
(c) Comply with the regulations adopted pursuant to subsection 4; and
(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;
(b) Receive compensation from the Department for the performance of those services;
(c) Accept applications for the renewal of registration of a motor vehicle;

or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~{}~~, **and section 1 of this act;** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is \$35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is \$10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to section 1 of this act.

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates . ~~[with colors that are predominately blue and silver. The~~

~~Director may substitute white in place of silver when no suitable material is available.]~~

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, *or section 1 of this act* ~~#,~~ without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

- (a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;
- (b) The name of this State, which may be abbreviated;
- (c) If issued for a calendar year, the year; and
- (d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. ~~Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.~~

~~7.]~~ Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (e) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for ~~coloring,~~ lettering and design that are set forth in this section.

Sec. 6. NRS 482.272 is hereby amended to read as follows:

482.272 Each license plate for a motorcycle may contain ~~up to six~~ **a number of** characters, including numbers and letters ~~],~~ **, as determined necessary by the Director.** Only one plate may be issued for a motorcycle.

Sec. 7. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of \$5,000; and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection ~~{7}~~ 6 of NRS 482.270, ↪ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 8. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

↪ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~or~~ **section 1 of this act.**

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the

assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 9. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787, **or section 1 of this act**, a license plate that ~~is~~

~~(1) Is~~ is approved by the Legislature after July 1, 2005. ~~;~~ and

~~(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.]~~

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. ~~Except as otherwise provided in subsection 6, if,~~ **If**, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

↳ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

↳ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 10. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the

Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~or~~ **section 1 of this act.**

Sec. 11. NRS 482.3672 is hereby amended to read as follows:

482.3672 1. An owner of a motor vehicle who is a resident of this State and who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A letter from the news director, editor or publisher of the periodical or station by whom the person is employed,
 ↪ be issued license plates upon which is inscribed PRESS with ~~three consecutive numbers.~~ **a number of characters, including numbers and letters, as determined necessary by the Director.**

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section leaves the service of the newspaper or station which has provided the letter required by subsection 1, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to members of the press.

5. Special license plates issued pursuant to this section are renewable upon the payment of \$10.

Sec. 12. NRS 482.3675 is hereby amended to read as follows:

482.3675 1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon

signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,
→ be issued a set of license plates upon which is inscribed CONSULAR CORPS with ~~three consecutive numbers.~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of \$10.

Sec. 13. NRS 482.3755 is hereby amended to read as follows:

482.3755 1. An owner of a motor vehicle who is a resident of this State and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of membership, be issued license plates upon which is inscribed "CIVIL AIR PATROL" with ~~four consecutive numbers.~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.*** The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker is \$10.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to the member

pursuant to subsection 1. If a member is dishonorably discharged, he or she shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 14. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this State and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of enlistment, be issued license plates upon which is inscribed NAT'L GUARD with ~~four consecutive numbers.~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.*** The applicant shall comply with the laws of this State concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of \$5 for the issuance of those plates.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the Adjutant General, who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. The Adjutant General shall surrender any license plates issued to him or her as Adjutant General to the Department when he or she leaves office, and may then be issued special license plates as described in subsection 1. If a member is dishonorably discharged, the member shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 15. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and ~~three or four consecutive numbers.~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates

must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor required by the Department.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. The fee for a set of special license plates issued pursuant to this section is \$25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is \$5.

Sec. 16. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates inscribed with the words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran, and ~~three or four consecutive numbers.~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and three or four consecutive numbers.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 17. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and ~~{three or four consecutive numbers.}~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 18. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less; and
- (b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and ~~three or four consecutive numbers~~ *a number of characters, including numbers and letters, as determined necessary by the Director.*

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

- (a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or
- (b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 19. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less;
- (b) Manufactured at least 25 years before the application is submitted to the Department; and
- (c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words “CLASSIC VEHICLE” and ~~three or four consecutive numbers.~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 20. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act***, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that

is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[-]~~, **and section 1 of this act**. The term includes the successor, if any, of a charitable organization.

Sec. 21. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration.....	\$5.00
For every substitute number plate or set of plates.....	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name50
For every other decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, **and section 1 of this act**, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 22. Notwithstanding the provisions of subsection 6 of section 1 of this act, the report of revenues and associated expenditures that is required to be submitted to the Director of the Legislative Counsel Bureau pursuant to those provisions must be submitted by the Nevada Sesquicentennial Commission, established by the Governor pursuant to executive order, for the period from the effective date of this act through January 1, 2015.

Sec. 23. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

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

Amendment No. 142.

AN ACT relating to pharmacy; making various changes concerning the sale, transfer or acquisition of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits any person, other than a pharmacy, from selling or transferring in the course of business or selling at retail certain products that contain materials that can be used to manufacture methamphetamine. (NRS 639.410) Existing law further requires a retail distributor of such

products to keep the products in a locked case or cabinet or behind a store counter to prevent access to the public. (NRS 453.354) Existing law also limits the quantity of certain chemicals contained in these products that may be sold or transferred to the same person during a calendar day. (NRS 453.355) **Section 6** of this bill establishes a limit on the quantity of these chemicals that can be sold or transferred to the same person during a 30-day period.

Existing law requires a retail distributor of certain products that can be used to manufacture methamphetamine to maintain a logbook of the sales and transfers of such a product and to ensure that certain information is entered in the logbook. (NRS 453.357) **Section 2** of this bill requires the ~~Director~~ **State Board** of ~~the Department of Public Safety~~ **Pharmacy** to ~~determine whether~~ **approve** a real-time, stop sale system ~~is available and appropriate~~ for use by pharmacies in this State ~~to~~ **if the Board determines that the real-time, stop sale system: (1) is available and appropriate for use by pharmacies in this State; and (2) the system has certain capabilities and will be available free of charge. Such a system will: (1) allow pharmacies to electronically submit information before completing a sale or transfer of such a product to determine whether the sale or transfer would violate any law** ~~The Director is authorized to approve such a system if it has certain capabilities and will be available free of charge.~~ **; and (2) allow law enforcement agencies to access transaction records related to the sale or transfer, or attempted sale or transfer, of a product that is a precursor to methamphetamine.**

Section 3 of this bill requires a pharmacy to use a real-time, stop sale system that is approved by the ~~Director of the Department~~ **Board**. A pharmacy is prohibited from completing a sale or transfer of a product if informed through the system that the sale or transfer will violate any law, except in certain circumstances. ~~Section 4 of this bill requires the Director of the Department to request transaction records from the real-time, stop sale system and forward such records to law enforcement agencies in this State.~~ **Section 4.5 of this bill provides that the failure of the real-time, stop sale system or the misuse of the system does not create any civil liability for the Board.** **Section 7** of this bill requires a retail distributor of certain products that can be used to manufacture methamphetamine, in addition to maintaining the logbook and checking the name and identification of a person seeking to obtain such a product, to consult with the real-time, stop sale system, if such a system is approved by the ~~Director~~ **Board**.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~3 and 4~~ **to 4.5, inclusive**, of this act.

Sec. 2. 1. ~~The ~~Director of the Department of Public Safety~~ Board~~ shall approve a real-time, stop sale system for use by pharmacies in this State if the ~~Director~~ Board determines that a real-time, stop sale system is available and appropriate for use by pharmacies in this State. The ~~Director~~ Board shall approve a real-time, stop sale system for use by pharmacies in this State only if the ~~Director~~ Board determines that the system:

(a) Will allow pharmacies in this State to electronically submit information to the system before the sale or transfer of a product that is a precursor to methamphetamine;

(b) Will determine whether the sale or transfer of the product would violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine;

(c) Will send an alert to pharmacies to stop the sale or transfer of a product if the sale or transfer would violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine; ~~and~~

(d) Will allow law enforcement agencies in this State to access from the system transaction records of any sale or transfer or attempted sale or transfer of a product that is a precursor to methamphetamine; and

(e) Is available for use by pharmacies and law enforcement agencies in this State free of charge.

2. Before approving a real-time, stop sale system, the ~~Director~~ Board must adopt regulations establishing the minimum requirements for the real-time, stop sale system. The ~~Director~~ Board shall also adopt regulations establishing the requirements for use of the real-time, stop sale system by the pharmacies and law enforcement agencies of this State.

Sec. 3. 1. After the ~~Director of the Department of Public Safety~~ Board has approved a real-time, stop sale system pursuant to section 2 of this act and adopted regulations establishing the requirements for the use of the system pursuant to that section, the ~~Director must notify the~~ Board ~~and~~ must notify each pharmacy in this State of the real-time, stop sale system that has been approved, the manner in which to establish the system in the pharmacy and the content of the regulations.

2. Once a pharmacy receives notification pursuant to subsection 1, the pharmacy shall obtain the real-time, stop sale system and consult the system in the manner prescribed before completing any sale or transfer of a product that is a precursor to methamphetamine, except when the purchaser has a valid prescription for such a product. The pharmacy shall obtain any information necessary from the person seeking the purchase or

transfer of the product to receive notice from the real-time, stop sale system.

3. Except as otherwise provided in this subsection, if a pharmacy receives an alert from the real-time, stop sale system that the sale or transfer of a product may violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine, the pharmacy must not allow the sale or transfer to be completed. ~~The Department of Public Safety may~~ Board shall provide by regulation for exceptions to allow for the completion of a sale or transfer ~~despite~~ :

(a) Despite such an alert ~~when~~ if the pharmacist or an employee of the pharmacy has a reasonable fear of imminent bodily harm.

(b) If a pharmacy experiences a mechanical or electronic failure of the real-time, stop sale system.

4. A pharmacy that complies with the provisions of this section is not liable in any civil action for using the real-time, stop sale system or for any act or omission resulting from the use of the system which is not the result of the negligence, recklessness or deliberate misconduct of the pharmacy.

5. Failure of a person to use the real-time, stop sale system as required pursuant to this section is a misdemeanor punishable by a fine of not more than \$1,000.

Sec. 4. ~~The Director of the Department of Public Safety shall request transaction records from the real-time, stop sale system which is approved pursuant to section 2 of this act. The Director shall forward such transaction records to law enforcement agencies in this State.~~ (Deleted by amendment.)

Sec. 4.5. The failure of the real-time, stop sale system approved pursuant to section 2 of this act to send an alert to a pharmacy to stop the sale or transfer of a product that is a precursor to methamphetamine in violation of NRS 453.355, or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine, does not establish a basis for any cause of action against the Board. The Board is immune from any liability arising from or related to the unauthorized access or misuse of any information collected by or derived from the real-time, stop sale system approved pursuant to section 2 of this act.

Sec. 5. NRS 639.400 is hereby amended to read as follows:

639.400 As used in this section and NRS 639.410 and 639.420 ~~it~~ and sections 2 ~~, 3 and 4~~ to 4.5, inclusive, of this act, “product that is a precursor to methamphetamine” means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed

lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 6. NRS 453.355 is hereby amended to read as follows:

453.355 1. Except as otherwise provided in subsection 2, a retail distributor shall not:

(a) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

(b) *Sell or transfer to the same person during any 30-day period, without regard to the number of transactions, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.*

(c) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if ~~[, pursuant:]~~ :

(a) *Pursuant* to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

(b) *The person who seeks to obtain a product that is a precursor to methamphetamine has a valid prescription for the product.*

Sec. 7. NRS 453.357 is hereby amended to read as follows:

453.357 1. A retail distributor shall maintain a logbook.

2. At the time of ~~the~~ *the* sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; ~~and~~

(d) The date and time of the sale or transfer ~~[,]~~ ; *and*

(e) *The type and number of the identification presented by the purchaser or transferee pursuant to paragraph (a) of subsection 3.*

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card ~~that~~ *which* provides a photograph and *which* is issued by the *Federal* Government, ~~[of the United States or the Government of]~~ this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his or her name in the logbook. ~~[; and]~~

(b) The retail distributor ~~[determines]~~ :

(1) *Determines* that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee ~~[;]~~ ; *and*

(2) *Has consulted the real-time, stop sale system, if required pursuant to section 3 of this act.*

4. The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in NRS 453.359, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of NRS 453.352 to 453.359, inclusive, *or 639.400, 639.410 and 639.420 and sections 2 ~~[, 3 and 4]~~ to 4.5, inclusive, of this act*, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

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. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 150.

SUMMARY—Imposes an additional penalty for ~~[an attempt or conspiracy]~~ **attempting or conspiring** to commit certain crimes against older or vulnerable persons. (BDR 15-337)

AN ACT relating to crimes; imposing an additional penalty for attempting or conspiring to commit certain crimes against certain older or vulnerable persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for additional penalties to be imposed for certain crimes that are committed against persons 60 years of age or older or against vulnerable persons. The term "vulnerable persons" is defined for the purposes of this section to mean adults with certain physical or mental limitations. (NRS 193.167) This bill adds an attempt or conspiracy to commit ~~such~~ **certain** crimes to that list.

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

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

- (a) Murder;
- (b) Attempted murder;
- (c) Assault;
- (d) Battery;
- (e) Kidnapping;
- (f) Robbery;
- (g) Sexual assault;
- (h) Embezzlement of , or attempting or conspiring to embezzle, money or property of a value of \$650 or more;
- (i) Obtaining , or attempting or conspiring to obtain, money or property of a value of \$650 or more by false pretenses; or
- (j) Taking money or property from the person of another , ~~for~~

~~(k) Attempting or conspiring to commit an offense listed in paragraphs (a) to (j), inclusive,~~

↪ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a

misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime or criminal violation;
- (b) The criminal history of the person;
- (c) The impact of the crime or criminal violation on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

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. 79.

Bill read second time.

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

Amendment No. 105.

AN ACT relating to children; providing for the establishment by statute of the **Nevada** Early Childhood Advisory Council; prescribing the membership and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~The~~ Federal law requires, as a condition of state participation in the federal Head Start program, the Governor to designate or establish an advisory council on early childhood education and care. (42 U.S.C. § 9837b) In fulfillment of this obligation, the Nevada Early Childhood Advisory Council was created by an executive order of the Governor on

September 11, 2009, and was continued by executive order on July 14, 2011. By the terms of the executive order signed on July 14, 2011, the Council will cease to exist on July 31, 2013. This bill statutorily ~~provides for the establishment of~~ **establishes** the **Nevada** Early Childhood Advisory Council by the ~~Director of the Department of Health and Human Services.~~ **Governor**. This bill also sets forth the membership of the Council, which must be appointed by the ~~Director~~ **Governor** and include ~~[(1) one member who is a representative of the Department of Education; (2) one member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs; (3) one member who is a representative of a]~~ **membership as required by federal law, plus representatives of** nonprofit ~~organization]~~ **organizations** located in northern **and southern** Nevada that ~~provides]~~ **provide** early childhood education programs ~~.~~ ~~]; and (4) such other members as the Director determines appropriate.]~~ The statutory Council has substantially the same duties as the Council created by executive order but must also establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Director shall establish the~~ Nevada Early Childhood Advisory Council ~~within the Department.~~ is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the ~~Director~~ Governor and include, without limitation:

(a) One member who is a representative of the Health Division whose duties include responsibility for child care;

(b) One member who is a representative of the Department of Education;

(c) One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(b)]~~ **(d) One member who is a representative of the boards of trustees of the school districts in this State;**

(e) One member who is a representative of the Nevada System of Higher Education;

(f) One member who is a representative of local providers of early childhood education and developmental services;

(g) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

(h) One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

(i) One member who is a representative of the Division of Mental Health and Development Services of the Department;

(j) One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs;

~~((e))~~ (k) One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood education programs; and

~~((d))~~ (l) Such other members as the ~~(Director)~~ Governor determines are appropriate.

2. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood education programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood education programs in this State.

(e) *Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.*

(f) *Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:*

- (1) *Be based on national school readiness indicators;*
- (2) *Address the following components of school readiness:*
 - (I) *Physical and developmental health;*
 - (II) *Social and emotional development;*
 - (III) *Approaches to learning;*
 - (IV) *Language and early literacy development; and*
 - (V) *Cognition and general knowledge.*

(g) *Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.*

(h) *Perform such other duties relating to early childhood education programs as designated by the ~~Director~~ Governor.*

3. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

Sec. 2. On or before February 1, 2015, the Nevada Early Childhood Advisory Council established ~~pursuant to~~ by section 1 of this act shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature on the work of the Council relating to the duties of the Council set forth in section 1 of this act.

Sec. 3. Notwithstanding the provisions of section 1 of this act, the Nevada Early Childhood Advisory Council created by the Governor by executive order on September 11, 2009, and continued by executive order on July 14, 2011, shall be deemed to be the Nevada Early Childhood Advisory Council ~~required to be~~ established ~~by the Director of the Department of Health and Human Services~~ pursuant to section 1 of this act until the ~~Director~~ Governor appoints the members of the Advisory Council pursuant to subsection 1 of section 1 of this act.

Sec. 4. This act becomes effective upon passage and approval.

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. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 120.

AN ACT relating to crimes; revising provisions relating to the crime of participation in an organized retail theft ring; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines the crime of participation in an organized retail theft ring as three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State; and (2) provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of 90 days is at least \$3,500 but less than \$10,000. (NRS 205.08345) This bill replaces the crime of participation in an organized retail theft ring with the crime of organized retail theft and provides that such a crime may be committed by one or more persons who ~~intentionally~~ conduct a series of thefts of retail merchandise at one or more merchants in this State. ~~This bill also reduces the threshold amount, from \$3,500 to \$2,500, for purposes of determining whether the crime of organized retail theft has been committed.~~ **with the intent to return the merchandise for value or resell, trade or barter the merchandise for value.**

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

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who participates in ~~an~~ organized retail theft ~~ring~~ is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed ~~by~~ **in** the organized retail theft ~~ring~~ in this State during a period of 90 days is at least \$3,500 ~~(\$2,500)~~ but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed ~~by~~ **in** the organized retail theft ~~ring~~ in this State during a period of 90 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed ~~by an~~ **in the** organized retail theft ~~ring~~ in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ~~ring~~ must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in ~~an~~ **the** organized retail theft ~~ring~~ was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) “Merchant” has the meaning ascribed to it in NRS 597.850.

(b) “Organized retail theft “~~ring~~” means ~~three or more persons who associate for the purpose of engaging in the conduct of~~ ~~intentionally~~ committing , ***either alone or with any other person or persons***, a series of thefts of retail merchandise against ~~more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant~~ ***one or more merchants*** in this State ~~with the intent to:~~

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value.

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. 108.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 38.

AN ACT relating to elections; providing that a person is not ineligible to vote because he or she has been adjudicated mentally incompetent unless a court of competent jurisdiction makes certain specific findings concerning the person’s mental capacity to vote; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who has been adjudicated mentally incompetent is not eligible to vote. (Nev. Const. Art. 2, § 1) This bill enacts a standard to be used by courts to adjudicate a person mentally incompetent for the purpose of voting. Under **section 1** of this bill, a person is not ineligible to vote on the ground that the person has been adjudicated mentally incompetent unless a court of competent jurisdiction specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process. **Section 5** of this bill specifically provides that a person for whom a court has appointed a guardian retains his or her right to vote unless the court makes such a finding.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

A person is not ineligible to vote on the ground that the person has been adjudicated mentally incompetent unless a court of competent jurisdiction specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process and includes the finding in a court order.

Sec. 2. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the ~~insanity or mental incompetence of~~ *county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered* ~~is legally established.~~ *lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.*

3. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 3. NRS 293.542 is hereby amended to read as follows:

293.542 Within 30 days after *a court of competent jurisdiction issues an order stating that the court specifically finds by clear and convincing evidence that a person ~~is adjudicated insane or mentally incompetent by a district court, the clerk of the district~~ lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process, the* court shall provide a certified copy of the order ~~for judgment of insanity or mental incompetency~~ to:

1. The county clerk of the county in which the person is a resident ~~if the person is not a resident of the county in which the district court is located;~~ or; and

2. The ~~registrar of voters of the county, if the person is a resident of the county in which the district court is located and the county has created the office of registrar of voters pursuant to NRS 244.164.~~ Office of the Secretary of State.

Sec. 4. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been ~~declared sane or mentally competent~~ found by the district court ~~to have the mental capacity to vote.~~ The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

- (a) Conviction has been overturned; or
- (b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 5. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ward retains his or her right to vote unless the court specifically finds by clear and convincing evidence that the ward lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

2. If the court makes a finding pursuant to subsection 1, the court must include the finding in a court order and provide a certified copy of the order to the county clerk or the registrar of voters, as applicable, of the county in which the ward resides ~~for the registrar of voters of that county, as applicable,~~ and to the Office of the Secretary of State, in the manner set forth in NRS 293.542.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 121.

AN ACT relating to crimes; ~~revising provisions concerning the criteria and procedures for determining whether a dog is dangerous or vicious;~~ providing that a dog may not be determined to be dangerous or vicious based solely on its breed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the circumstances under which a dog may be deemed dangerous or vicious and provides criminal penalties for a person

who knowingly owns or keeps a vicious dog after notice that the dog is vicious or who knowingly transfers ownership of such a vicious dog. (NRS 202.500) This bill: (1) ~~revises the criteria by which a dog may be determined to be dangerous or vicious; (2) requires that, before a dog is determined to be dangerous or vicious, a designated animal control agency conduct an investigation and the owner or keeper of the dog, if known, be given notice and an opportunity for a hearing; and (3)~~ provides that a dog may not be determined to be dangerous or vicious based solely on the breed of the dog ~~it~~; **and (2) prohibits a local authority from adopting or enforcing an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.**

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

Section 1. NRS 202.500 is hereby amended to read as follows:

202.500 1. ~~As used in~~ ***For the purposes of*** this section, a dog is:

(a) “Dangerous” if: ~~it, after an investigation conducted by an animal control agency designated by a local authority and the owner or keeper of the dog, if known, is given notice and an opportunity for a hearing, it is determined by a preponderance of the evidence that:~~

(1) ~~it is so declared pursuant to subsection 2; *[The dog injured a person while being used in the commission of a crime by its owner or keeper;]*~~ or

(2) Without provocation, on two separate occasions within 18 months, ~~it behaves~~ ~~the dog~~ ***behaved*** menacingly, to a degree that would lead a reasonable person to defend himself or herself ~~it, or a domestic animal,~~ against substantial bodily harm, when the dog ~~is:~~ ***was:***

(I) Off the premises of its owner or keeper: ~~and not on a leash or otherwise controlled;~~ or

(II) Not confined in a cage, pen or vehicle.

(b) “Provoked” when ~~it the dog~~ is tormented ~~it, abused~~ or subjected to pain.

(c) “Vicious” if: ~~it, after an investigation conducted by an animal control agency designated by a local authority and the owner or keeper of the dog, if known, is given notice and an opportunity for a hearing, it is determined by clear and convincing evidence that:~~

(1) Without being provoked, ~~it kills or inflicts~~ ~~the dog~~ ***killed or inflicted*** substantial bodily harm upon a human being;

~~it (2) While off the premises of its owner or keeper, the dog killed a domestic animal;~~ or

~~(2) (3)~~ After its owner or keeper ~~has~~ ***had*** been notified by a law enforcement agency ~~for animal control agency~~ that ~~it~~ ***the dog*** is

dangerous, ~~it continues~~ *the dog continued* the behavior described in paragraph (a).

2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.

3. A dog may not be found dangerous or vicious ~~because~~ :

(a) ***Based solely on the breed of the dog; or***

(b) ***Because*** of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

4. ~~3.~~ A person who knowingly:

(a) Owns or keeps a vicious dog, for more than 7 days after the person has actual notice that the dog is vicious; or

(b) Transfers ownership of a vicious dog after the person has actual notice that the dog is vicious,

is guilty of a misdemeanor.

5. ~~4.~~ If substantial bodily harm results from an attack by a dog known to be vicious, its owner or keeper is guilty of a category D felony and shall be punished as provided in NRS 193.130. In lieu of, or in addition to, a penalty provided in this subsection, the judge may order the vicious dog to be humanely destroyed.

~~5.~~ 6. ***A local authority shall not adopt or enforce an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.***

~~6.~~ 7. This section does not apply to a dog used by a law enforcement officer in the performance of his or her duty.

~~7.~~ 8. ***As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact laws or ordinances or promulgate regulations relating to dogs.***

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. 116.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

AN ACT relating to crimes; revising certain provisions concerning accessories to certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that anyone who is not the husband or wife, brother or sister, parent or grandparent, child or grandchild of an offender and who

harbors, conceals or aids the offender after the commission of a crime is an accessory to the crime. (NRS 195.030) ~~[This]~~ **Section 1 of this** bill removes every person other than the husband and wife **or a domestic partner** from that exception ~~[,]~~ **if the crime is a felony. Section 1 also revises the acts which constitute being an accessory to a crime after the commission of the crime by specifically stating that a person acts as such an accessory if he or she destroys or conceals, or aids in the destruction or concealment of, material evidence, or harbors or conceals the offender.**

Existing law provides that an accessory to a felony is guilty of a category C felony. (NRS 195.040) Section 2 of this bill revises this penalty to provide that a person who harbors, conceals or aids the offender after the commission of a felony and who is the brother or sister, parent or grandparent, child or grandchild of the offender is guilty of a gross misdemeanor.

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

Section 1. NRS 195.030 is hereby amended to read as follows:

195.030 **1.** Every person not standing in the relation of husband or wife ~~[, brother or sister, parent or grandparent, child or grandchild,]~~ **or domestic partner** to the offender, who ~~is~~

~~1. After~~ **, after** the commission of a felony **, destroys or conceals, or aids in the destruction or concealment of, material evidence, or** harbors ~~[,]~~ **or** conceals ~~[or aids]~~ such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

2. ~~[After]~~ **Every person not standing in the relation of husband or wife, domestic partner, brother or sister, parent or grandparent, child or grandchild to the offender, who, after** the commission of a gross misdemeanor **, destroys or conceals, or aids in the destruction or concealment of, material evidence, or** harbors ~~[,]~~ **or** conceals ~~[or aids]~~ such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a gross misdemeanor or is liable to arrest, is an accessory to the gross misdemeanor.

3. **As used in this section, “domestic partner” means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.**

Sec. 2. **NRS 195.040 is hereby amended to read as follows:**

195.040 **1.** An accessory to a felony may be indicted, tried and convicted either in the county where he or she became an accessory, or where

the principal felony was committed, whether the principal offender has or has not been convicted, or is or is not amenable to justice, or has been pardoned or otherwise discharged after conviction. Except as otherwise provided in this subsection and except where a different punishment is specially provided by law, the accessory is guilty of a category C felony and shall be punished as provided in NRS 193.130. An accessory to a felony who is standing in the relation of brother or sister, parent or grandparent, child or grandchild to the principal offender and who is an accessory to a felony pursuant to subsection 1 of NRS 195.030 is guilty of a gross misdemeanor.

2. An accessory to a gross misdemeanor may be indicted, tried and convicted in the manner provided for an accessory to a felony and, except where a different punishment is specially provided by law, shall be punished by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by a fine of not less than \$100 nor more than \$500, or by both fine and imprisonment.

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. 117.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 51.

AN ACT relating to rules of the road; allowing a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed through an intersection against a red traffic signal in certain circumstances; specifying that a violation resulting in an injury to another person is conclusive evidence of all facts necessary to impose civil liability for the injury under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person driving a motorcycle or moped upon a highway or riding a bicycle or an electric bicycle upon a roadway is subject to all the duties applicable to the driver of a motor vehicle, with certain exceptions. (NRS 484B.763, 486.331) Existing law makes it unlawful for any driver, including the driver of a trimobile, to disobey the instructions of any official traffic-control device under certain conditions. (NRS 484A.080, 484B.300) Existing law also prohibits vehicular traffic from proceeding into or through an intersection that is controlled by an official traffic-control device exhibiting different colored lights when the signal is red.

(NRS 484B.307) **Section 2** of this bill allows a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red signal if: (1) the person stops as required by the signal and waits for a reasonable time; (2) the signal does not change because of a malfunction or the failure of the signal to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle; and (3) the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. **Section 2 also provides that, if the person commits certain violations while driving the motorcycle, moped or trimobile or riding the bicycle or electric bicycle which result in an injury to another person, the violations are conclusive evidence of all facts necessary to impose civil liability for the injury.**

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

Section 1. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. ~~It~~ *Except as otherwise provided in NRS 484B.307, it is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.*

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 2. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows,

successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as *otherwise* provided in ~~paragraph (c),~~ *paragraphs (c) and (d)*, must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) *After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:*

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

8. Where the signal is a steady red with a green turn arrow:

(a) ~~Vehicular~~ *Except as otherwise provided in paragraph (b), vehicular* traffic facing the signal may enter the intersection only to make the

movement indicated by the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) *A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:*

(1) *The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;*

(2) *The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;*

(3) *No other device at the place prohibits the turn, if applicable; and*

(4) *The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.*

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

9. *If a person violates paragraph (d) of subsection 7 or paragraph (b) of subsection 8 and that violation results in an injury to another person, the violation is conclusive evidence of all facts necessary to impose civil liability for the injury.*

10. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~10.~~ 11. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~11.~~ 12. A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have “completely entered” an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 113.

AN ACT relating to education; expanding the provisions that require the Board of Regents of the University of Nevada to pay certain fees and expenses associated with undergraduate classes taken by certain dependent children to include the children of public safety officers killed in the line of duty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Board of Regents of the University of Nevada is required, to the extent money is available, to pay certain fees and expenses associated with undergraduate classes taken at a school within the Nevada System of Higher Education by the dependent children of a police officer, firefighter, officer of the Nevada Highway Patrol, volunteer ambulance driver or attendant who was killed while performing his or her duties. (NRS 396.545) This bill expands the applicability of this provision to include the payment of those fees and expenses for dependent children of a public safety officer killed in the line of duty. This bill further defines the term “public safety officer” to mean a person serving a public agency in an official capacity, with or without compensation, as a peace officer, firefighter or as a member of a rescue or emergency medical services crew.

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

Section 1. NRS 396.545 is hereby amended to read as follows:

396.545 1. To the extent of money available for this purpose, the Board of Regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of f-

~~(a) A police officer, firefighter or officer of the Nevada Highway Patrol]~~ **a public safety officer** who was killed in the line of duty , ~~[- or~~

~~(b) A volunteer ambulance driver or attendant who was killed while engaged as a volunteer ambulance driver or attendant,~~

↪} for classes taken towards satisfying the requirements of an undergraduate degree at a school within the System. No such payment may be made for any fee assessed after the child reaches the age of 23 years.

2. There is hereby created in the State General Fund a Trust Account for the Education of Dependent Children. The Board of Regents shall administer the Account. The Board of Regents may accept gifts and grants for deposit in the Account. All money held by the State Treasurer or received by the Board of Regents for that purpose must be deposited in the Account. The money in the Account must be invested as the money in other state accounts is invested. After deducting all applicable charges, all interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

3. For each fiscal year, the Board of Regents shall estimate:

(a) The amount of money in the Trust Account that is available to make payments pursuant to subsection 1 for that fiscal year; and

(b) The anticipated amount of such payments for that fiscal year.

↪ If the anticipated amount of payments estimated for the fiscal year exceeds the estimated amount of money available in the Account in the fiscal year for such payments, the Board of Regents may request an allocation from the Contingency Account created in the State General Fund pursuant to NRS 353.266 to cover the projected shortfall.

4. As used in this section:

(a) “Firefighter” means a person who is a salaried employee or volunteer member of a ~~fire~~ :

(1) **Fire** prevention or suppression unit organized by a local government and whose principal duty is to control and extinguish fires ~~[-]~~ ; **or**

(2) **Fire-fighting agency**.

(b) **“Fire-fighting agency” has the meaning ascribed to it in NRS 450B.072.**

(c) “Local government” means a county, city, unincorporated town or metropolitan police department.

~~[(c) “Police officer” means a person who is a salaried employee of a police department or other law enforcement agency organized or operated by a local government and whose principal duty is to enforce the law.~~

~~(d) “Volunteer ambulance driver or attendant” means a person who is a driver of or attendant on an ambulance owned or operated by:~~

(1) ~~A nonprofit organization that provides volunteer ambulance service in any county, city or town in this State; or~~

(2) ~~A political subdivision of this State.]~~

(d) **“Member of a rescue or emergency medical services crew” means:**

(1) *A member of a search and rescue organization in this State under the direct supervision of any county sheriff;*

(2) *A person licensed as an attendant ~~for~~ pursuant to chapter 450B of NRS if the person is a salaried employee of a public agency and is not retained under contract to perform services for the public agency;*

(3) *A person certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS ~~for~~ if the person is a salaried employee or volunteer of a public agency and is not retained under contract to perform services for the public agency; or*

~~[(3)]~~ (4) *A volunteer attendant as that term is defined in NRS 450B.110.*

(e) **“Peace officer” means a category I peace officer, category II peace officer or category III peace officer as those terms are defined in NRS 289.460, 289.470 and 289.480, respectively.**

(f) **“Public agency” means an agency, bureau, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, firefighting, rescue or emergency medical services.**

(g) **“Public safety officer” means a person serving a public agency in an official capacity, with or without compensation, as a peace officer, a firefighter or a member of a rescue or emergency medical services crew.**

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

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. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 154.

SUMMARY—Provides ~~for certain~~ immunity from ~~for~~ **civil** liability to persons employed by an agency to provide personal care services in the home ~~for~~ **in certain circumstances.** (BDR ~~[3-151])~~ **40-151**)

AN ACT relating to ~~for actions;~~ **personal care services;** providing ~~for certain~~ immunity from ~~for~~ **civil** liability to persons employed by an

agency to provide personal care services in the home ~~+~~ **in certain circumstances**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing laws provide immunity from certain tort liability to governmental entities and persons under various circumstances. (Chapter 41 of NRS) This bill provides immunity from ~~tort~~ **civil** liability for the rendering of emergency care or assistance to an elderly person or a person with a disability by a person employed by an agency to provide personal care services in the home if that person: (1) has completed certain courses or training in cardiopulmonary resuscitation or first aid; (2) rendered the care or assistance in the course of his or her regular employment or profession; and (3) rendered the care or assistance in good faith and in accordance with his or her training.

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

Section 1. Chapter ~~411~~ **449** of NRS is hereby amended by adding thereto a new section to read as follows:

~~+~~ ***Any person who is employed by an agency to provide personal care services in the home who:***

~~(a)~~ ***1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;***

~~(b)~~ ***2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or***

~~(c)~~ ***3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,***

↪ and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

~~f 2. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.~~

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

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. 135.

Bill read second time and ordered to third reading.

Assembly Bill No. 154.

Bill read second time.

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

Amendment No. 104.

AN ACT relating to the protection of children; **authorizing a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes in certain circumstances**; consolidating the administrative teams that review the report and recommendations of a multidisciplinary team appointed to review the death of a child and the Executive Committee to Review the Death of Children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the director or other authorized representative of an agency which provides child welfare services and the Executive Committee to Review the Death of Children are authorized to appoint a multidisciplinary team to review certain records concerning the death of a child. (NRS 432B.403-432B.407, 432B.409) **Section 1 of this bill authorizes a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes if the data is aggregated and does not allow for the identification of any person.**

An administrative team consisting of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety is required to review the report and recommendations of a multidisciplinary team. (NRS 432B.408) ~~{This}~~ **Section 2 of this** bill consolidates the administrative team into the Executive Committee and requires the Executive Committee to review the report and recommendations of a multidisciplinary team. ~~{This}~~ **Section 3 of this** bill ~~{also}~~ provides that **certain** members of the Executive Committee who are administrators of agencies which provide child welfare services, and agencies responsible for ~~{vital statistics, public health,}~~ mental health and public safety must serve as nonvoting members of the Executive Committee.

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

Section 1. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

- (a) All investigative information of law enforcement agencies regarding the death;
- (b) Any autopsy and coroner's investigative records relating to the death;
- (c) Any medical or mental health records of the child; and
- (d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495.

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. **A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.**

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

~~{Section 1.}~~ **Sec. 2.** NRS 432B.408 is hereby amended to read as follows:

432B.408 1. The report and recommendations of a multidisciplinary team to review the death of a child must be transmitted ~~{to an administrative team}~~ for review ~~{.}~~

~~2. An administrative team must consist of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety.~~

~~3.]~~ *to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409.*

2. The ~~[administrative team]~~ *Executive Committee* shall review the report and recommendations and respond in writing to the multidisciplinary team within 90 days after receiving the report.

~~[Sec. 2.]~~ *Sec. 3.* NRS 432B.409 is hereby amended to read as follows:

432B.409 1. The Administrator of the Division of Child and Family Services shall establish an Executive Committee to Review the Death of Children, consisting of ~~[representatives]~~ *:*

(a) *Representatives* from multidisciplinary teams formed pursuant to paragraph (a) of subsection 1 of NRS 432B.405 and NRS 432B.406, vital statistics, law enforcement, public health and the Office of the Attorney General.

~~[2.]~~ (b) *Administrators of agencies which provide child welfare services, and agencies responsible for mental health and public safety, to the extent that such administrators are not already appointed pursuant to paragraph (a). Members of the Executive Committee who are ~~administrators of agencies which provide child welfare services and of agencies responsible for vital statistics, public health, mental health and public safety.~~ appointed pursuant to this paragraph shall serve as nonvoting members.*

~~[3.]~~ 2. The Executive Committee shall:

- (a) Adopt statewide protocols for the review of the death of a child;
- (b) Adopt regulations to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive;
- (c) Adopt bylaws to govern the management and operation of the Executive Committee;
- (d) Appoint one or more multidisciplinary teams to review the death of a child from the names submitted to the Executive Committee pursuant to paragraph (b) of subsection 1 of NRS 432B.405;
- (e) Oversee training and development of multidisciplinary teams to review the death of children; ~~and]~~
- (f) Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes ~~[-~~

~~3.]~~ ; *and*

(g) *Carry out the duties specified in NRS 432B.408.*

~~[4.]~~ 3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the Account to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive.

~~[Sec. 3.]~~ *Sec. 4.* NRS 432B.4095 is hereby amended to read as follows:

432B.4095 1. Each member of a multidisciplinary team organized pursuant to NRS 432B.405, a multidisciplinary team organized pursuant to NRS 432B.4075 ~~[, an administrative team organized pursuant to NRS 432B.408]~~ or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than \$500.

2. The Administrator of the Division of Child and Family Services:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 1 against a member of a multidisciplinary team organized pursuant to NRS 432B.4075 ~~[, an administrative team]~~ or the Executive Committee; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

3. Each director or other authorized representative of an agency which provides child welfare services that organized a multidisciplinary team pursuant to NRS 432B.405:

(a) May bring an action to recover a civil penalty pursuant to subsection 1 against a member of the multidisciplinary team; and

(b) Shall deposit any money received from the civil penalty in the appropriate county treasury.

~~[Sec. 4.]~~ **Sec. 5.** As soon as practicable after July 1, 2013, the Administrator of the Division of Child and Family Services of the Department of Health and Human Services shall appoint to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 the additional members of the Executive Committee required by paragraph (b) of subsection 1 of NRS 432B.409, as amended by section ~~2]~~ **3** of this act.

~~[Sec. 5.]~~ **Sec. 6.** 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. 155.

Bill read second time.

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

Amendment No. 115.

AN ACT relating to children; revising provisions governing persons who are required to report the abuse or neglect of a child; revising provisions governing the punishment for the failure of a person to report the abuse or

neglect of a child; **revising provisions governing investigations of reports concerning the possible abuse or neglect of a child**; revising provisions relating to the abandonment of a newborn child to a provider of emergency services; requiring the Legislative Committee on Health Care to review certain provisions governing a person who provides a service related to health care; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, persons in certain professions and occupations are required, if the person in his or her professional or occupational capacity knows or has reasonable cause to believe that a child has been abused or neglected, to report the abuse or neglect to an agency which provides child welfare services or to a law enforcement agency. (NRS 432B.220) **Section 2** of this bill revises the manner in which those persons are specified in existing law and provides that those persons must be informed in writing or by electronic communication of their duty as mandatory reporters. Those persons must also provide a written acknowledgment or an electronic record of having been so informed. The party responsible for informing the person and maintaining a copy of the acknowledgment or record is: (1) the entity responsible for the licensure, certification or endorsement of the person in this State if such licensure, certification or endorsement is required in the person's professional or occupational capacity; or (2) the employer of the person if no licensure, certification or endorsement in this State is required. **Section 5** of this bill requires those mandatory reporters currently holding a license, certificate or endorsement in this State to be informed of their duty as mandatory reporters at the next renewal of their license, certificate or endorsement and requires those current mandatory reporters who are not required to be licensed, certified or endorsed by this State to be informed of their duty as mandatory reporters by their employer on or before December 31, 2013.

Section ~~4~~ 1.5 of this bill requires the Legislative Committee on Health Care to review, after each regular session of the Nevada Legislature, any chapter added to title 39, 40 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to report the abuse or neglect of a child. **Section ~~4~~ 1.5** also requires the Committee, before the next regular session of the Legislature, to prepare and submit to the Legislature a report concerning the findings of the Committee. The report must include, without limitation, any recommended legislation.

Existing law requires an attorney to report the abuse or neglect of a child unless the attorney acquired the knowledge of the abuse or neglect from a

client who is or may be accused of the abuse or neglect. (NRS 432B.220) ~~Section 2 also~~ **Section 1.7 of this bill** provides that an attorney is not required to report the abuse or neglect of a child if the attorney acquired the knowledge of the abuse or neglect from a client ~~who~~ **during a privileged communication if the client: (1) has been or may be accused of committing the abuse or neglect; or (2)** is the victim of the abuse or neglect and ~~who~~ is in foster care, except that the attorney may report the abuse or neglect with the consent of the child.

Under existing law, a failure to report the abuse or neglect of a child by a person with a duty to report the abuse or neglect is punishable as a misdemeanor. (NRS 432B.240) **Section 3** of this bill provides that a first violation of the duty to report is punishable as a misdemeanor, and any subsequent violation is punishable as a gross misdemeanor.

Existing law requires an agency which provides child welfare services to immediately initiate an investigation upon receipt of a report concerning the possible abuse or neglect of a child if the report indicates that: (1) the child is 5 years of age or younger; (2) there is a high risk of serious harm to the child; (3) the child has died; or (4) the child is living in a household in which another child has died, been seriously injured or shows signs of abuse. (NRS 432B.260) Section 3.5 of this bill deletes the requirement for an immediate investigation when the report concerns the possible abuse or neglect of a child who is 5 years of age or younger.

Under existing law, a parent may voluntarily leave a child who is not more than 30 days old with a provider of emergency services under certain circumstances, thereby presumably abandoning the child. That law is commonly referred to as Nevada's "Safe Haven Law." (NRS 432B.630) **Section 4** of this bill expands the definition of "provider of emergency services" to include a volunteer fire department and any ambulance service holding a permit issued in this State.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.5 and 1.7 of this act.**

Sec. 1.5. The Legislative Committee on Health Care shall:

1. After each regular session of the Legislature, review any chapter added to title 39, 40 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to make a report pursuant to NRS 432B.220; and

2. *Before the beginning of the next regular session of the Legislature, prepare a report concerning its findings pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, any recommended legislation.*

Sec. 1.7. 1. Notwithstanding the provisions of NRS 432B.220, an attorney shall not make a report of the abuse or neglect of a child if the attorney acquired knowledge of the abuse or neglect from a client during a privileged communication if the client:

(a) Has been or may be accused of committing the abuse or neglect; or

(b) Is the victim of the abuse or neglect, is in foster care and did not give consent to the attorney to report the abuse or neglect.

2. Nothing in this section shall be construed as relieving an attorney from:

(a) Except as otherwise provided in subsection 1, the duty to report the abuse or neglect of a child pursuant to NRS 432B.220; or

(b) Complying with any ethical duties of attorneys as set forth in the Nevada Rules of Professional Conduct, including, without limitation, any duty to take reasonably necessary actions to protect the client of the attorney if the client is not capable of making adequately considered decisions because of age, mental impairment or any other reason. Such actions may include, without limitation, consulting with other persons who may take actions to protect the client and, when appropriate, seeking the appointment of a guardian ad litem, conservator or guardian.

Sec. 2. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A ~~[physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, clinical social worker, music therapist, athletic trainer, advanced emergency medical technician or other]~~ person providing ~~[medical]~~ services licensed or certified in this State ~~[.] pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.~~

(b) Any personnel of a ~~[hospital or similar institution]~~ **medical facility licensed pursuant to chapter 449 of NRS who are** engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of ~~[a hospital or similar institution]~~ **such a medical facility** upon notification of suspected abuse or neglect of a child by a member of the staff of the ~~[hospital.]~~ **medical facility.**

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A ~~social worker and an administrator, teacher, librarian or counselor~~ ~~or~~ *person working in* a school ~~who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.~~

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed *pursuant to chapter 424 of NRS* to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) ~~An~~ *Except as otherwise provided in section 1.7 of this act, an* attorney ~~unless the attorney has acquired the knowledge of the abuse or neglect from a client who~~ ~~is~~ ~~+~~

~~(1) Is or may be accused of the abuse or neglect~~ ~~+~~ ~~or~~

~~(2) Is the victim of the abuse or neglect, is in foster care and has not first given his or her consent to report the abuse or neglect.~~

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. *The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:*

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. *The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:*

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 3. NRS 432B.240 is hereby amended to read as follows:

432B.240 Any person who knowingly and willfully violates the provisions of NRS 432B.220 is guilty of :

1. *For the first violation*, a misdemeanor.

2. *For each subsequent violation*, a gross misdemeanor.

Sec. 3.5. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

~~(a) The child is 5 years of age or younger;~~

~~(b)~~ There is a high risk of serious harm to the child;

~~(c)~~ **(b)** The child has suffered a fatality; or

~~[(d)]~~ (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;

(c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from any prenatal drug exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any

such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

↪ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall delete all references to the matter from its records.

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 4. NRS 432B.630 is hereby amended to read as follows:

432B.630 1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

(2) By failing or refusing to provide an address where the parent can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

(3) Unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency ~~{or}~~, **a volunteer fire department**, a law enforcement agency ~~{}~~ **or an ambulance service**, the provider shall immediately cause the safe delivery of the child to

a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides child welfare services and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall notify the Clearinghouse and investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency which provides child welfare services of its determination. The agency which provides child welfare services shall maintain that information for statistical and research purposes.

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section:

(a) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(b) "Provider of emergency services" means:

(1) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(2) A public fire-fighting agency ~~[-or-]~~, **including, without limitation, a volunteer fire department;**

(3) A law enforcement agency ~~[-]~~; **or**

(4) An ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS.

Sec. 5. 1. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 of NRS 432B.220, as amended by section 2 of this act, who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State and who is already licensed, certified or endorsed on October 1, 2013, shall, upon the next renewal of the license, certificate or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to that section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to that section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

2. The employer of a person who is described in subsection 4 of NRS 432B.220, as amended by section 2 of this act, who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State and who is already employed on October 1, 2013, must, on or before December 31, 2013:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to that section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to that section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

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. 156.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 122.

AN ACT relating to records; revising provisions governing the sealing of certain records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to certain convictions. (NRS 179.245) **Section 1** of this bill prohibits a person from petitioning the court to seal records relating to certain offenses related to driving, operating or controlling a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance.

Existing law authorizes a person arrested for alleged criminal conduct to petition for the sealing of all records relating to the arrest if the charges were dismissed or the person was acquitted of the charges. (NRS 179.255) **Section 2** of this bill authorizes such a person to petition for the sealing of all records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

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

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

- (a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;
- (e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or
- (f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

↳ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a ~~an~~ conviction of ~~an~~ a ~~an~~:

(a) A crime against a child ~~or a~~;

(b) A sexual offense ~~or~~;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 2. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, *the prosecuting attorney having jurisdiction declined prosecution of the charges* or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed; ~~for~~

(b) *The court having jurisdiction in which the charges were declined for prosecution, at any time ~~180 days after the date of the declination;~~ after the applicable statute of limitations has run or pursuant to a stipulation between the parties; or*

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

↪ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, *declination* or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by a current, verified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court;

(b) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, *declination* or acquittal and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed , *declined for prosecution* or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed , *declined for prosecution* or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

↪ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

↪ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

6. If, after the hearing on a petition submitted pursuant to subsection 1, the court finds that there has been an acquittal , *that the prosecution was declined* or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal , *declination* or dismissal which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

7. If, after the hearing on a petition submitted pursuant to subsection 2, the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

8. *If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 6, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.*

Sec. 3. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court

may order such inspection. Except as otherwise provided in this section , *subsection 8 of NRS 179.255* and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 4. 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. 169.

Bill read second time.

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

Amendment No. 95.

SUMMARY—Revises provisions relating to contracts with a governmental entity. (BDR ~~[23-793]~~ **27-793**)

AN ACT relating to public financial administration; establishing additional requirements and imposing limitations on certain contracts of ~~[State and local]~~ **state** agencies for the performance of services; requiring ~~[such an agency]~~ **state and local agencies** to submit certain reports about ~~[its]~~ **their** contracts to the Purchasing Division of the Department of Administration; requiring a public body which awards a contract for a public work to gather and maintain certain information about bidders and persons ~~[who apply for employment]~~ **employed** on the public work; **requiring the Board of Regents of the University of Nevada to adopt rules relating to certain contracts of the Nevada System of Higher Education;** requiring the Department of Transportation to post information about contracts between

the Department and architects, engineers and other professionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill requires the Purchasing Division of the Department of Administration to prescribe a code of conduct for independent contractors who enter into a contract with a ~~public body~~ **state agency** which requires such an independent contractor to abide by all state ethics laws, maintain records of all work done pursuant to such a contract and make these records available for **inspection or** audit. **Section 9** of this bill requires such an independent contractor to disclose to the ~~public body~~ **state agency** any fees charged by the independent contractor for services within the scope of the contract to a person who is not a party to the contract and to annually report the total dollar amount of such fees. **Section 10** of this bill requires an independent contractor to disclose certain information relating to any subcontractor used to perform a contract with a ~~public body~~ **state agency**. **Section 15** of this bill provides that if an independent contractor violates any provision of **sections 8-10**, the ~~public body~~ **state agency** may terminate the contract.

Section 11 of this bill: (1) prohibits a ~~public body~~ **state agency** from entering into a sole source contract for a ~~period~~ **term** exceeding ~~2~~ **5** years unless the longer ~~period~~ **term** is necessary for the recovery of capital costs; and (2) prohibits a ~~public body~~ **state agency** from renewing a sole source contract unless the ~~governing body of the public body~~ **State Board of Examiners** approves the renewal by a two-thirds vote. **Section 12** of this bill **generally** authorizes a ~~public body~~ **state agency** to enter into a contract with an independent contractor, other than a sole source contract, for a ~~period~~ **term** of not more than ~~4~~ **5** years and to extend the ~~period~~ **term** of such a contract if the ~~governing body of the public body~~ **State Board of Examiners** approves the extension by a two-thirds vote.

Section 13 of this bill requires each ~~public body~~ **state agency or the governing body of a local government** that enters into a sole source contract to ~~disclose~~ **transmit** certain information to the Purchasing Division, which must then post that information on its Internet website. **Section 14** of this bill requires each ~~public body~~ **state agency or the governing body of a local government** that enters into a sole source contract or renegotiates a contract with an independent contractor to report information relating to the number and dollar amount of the sole source contracts and competitively bid contracts with an independent contractor to the Purchasing Division, which must then report that information to the Interim Finance Committee.

Section 16 of this bill requires a person who is awarded a contract for a public work **, under certain circumstances**, to report to the public body

awarding the contract certain information concerning the race, ethnicity, age and gender of certain employees ~~and applicants for employment~~ on the public work. **Section 16** also requires a public body awarding a contract for a public work to gather, compile, maintain and enter on the Internet website of the State Public Works Division of the Department of Administration certain information concerning the ~~cost of the public work,~~ **amount of each bid,** the awarding of the contract, the race, ethnicity, age, ~~and gender,~~ **and gender,** ~~number of employees and length of time in business,~~ of ~~the~~ **certain** bidders for the contract, and the information received from the person awarded the contract concerning the ~~applicants for employment,~~ **persons employed** on the public work. Finally, **section 16** requires that the Division create an application on its Internet website for the entry of the information that each public body is required to enter on the Internet website in accordance with **section 16**, make the information available to the public and report the information annually to the Director of the Legislative Counsel Bureau.

Section 16.5 of this bill requires the Board of Regents of the University of Nevada to adopt rules relating to contracts between the Nevada System of Higher Education and independent contractors, including rules providing increased opportunities for certain persons and businesses to obtain such contracts.

Section 17 of this bill requires the Department of Transportation to post certain information relating to certain contracts for the provision of professional services entered into by the Department on or after July 1, 2013.

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

Section 1. Chapter ~~281~~ **333** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in NRS 333.700 and sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~6~~ 6.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Independent contractor” means a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.*

Sec. 4. *“Public body” means ~~the~~*

~~1. County;~~

~~2. City;~~

~~3. School district; or~~

~~4. State agency, bureau, board, commission, department or division or any other unit of the Legislative, Judicial or Executive Department of the State Government, including the Nevada System of Higher Education, the governing body of a county, city or other local government.~~

Sec. 5. ~~["Purchasing Division" means the Purchasing Division of the Department of Administration.] (Deleted by amendment.)~~

Sec. 6. "Sole source contract" means a contract entered into between a using agency or public body and an independent contractor to provide services for which the independent contractor is the only source capable of providing the services.

Sec. 6.5. "Using agency" has the meaning ascribed to it in NRS 333.020, except that the term does not include the Division of Health Care Financing and Policy of the Department of Health and Human Services.

Sec. 7. ~~{Sections}~~ Except as otherwise provided in sections 13 and 14 of this act, the provisions of sections 2 to 15, inclusive, of this act:

1. Apply to any contract for services of a person as an independent contractor entered into between a ~~{public body}~~ using agency and an independent contractor, unless the contract for services is negotiated as part of a contract for the sale of goods with the same independent contractor.

2. Do not apply to any contract:

(a) For a public work governed by the provisions of chapter 338 of NRS; or

(b) ~~{Relating to a franchise entered into by a local government.}~~ Between a using agency or public body and a person, firm or corporation that is subject to regulation pursuant to the provisions of title 57 of NRS.

Sec. 8. 1. The Purchasing Division shall prescribe by regulation a code of conduct for independent contractors. The code of conduct must include, without limitation, provisions stating that the independent contractor:

(a) Knows and agrees to abide by all applicable state ethics laws;

(b) Agrees to maintain accurate internal records of all work done pursuant to a contract with a ~~{public body}~~ using agency; and

(c) Agrees to make the records kept pursuant to paragraph (b) available for inspection or audit by the Legislative Auditor, ~~{and}~~ the Division of Internal Audits of the Department of Administration, ~~{and}~~ the State Controller.

2. A ~~{public body}~~ using agency may not enter into a contract with an independent contractor unless the independent contractor signs and agrees to abide by the code of conduct for contractors prescribed by the Purchasing Division pursuant to this section.

Sec. 9. An independent contractor who enters into a contract with a ~~public body~~ using agency shall:

1. Fully disclose to the ~~public body~~ using agency any fees that will be charged by the independent contractor for services within the scope of the contract to a person who is not a party to the contract.

2. Report annually to the ~~public body~~ using agency the total dollar amount generated by such fees.

Sec. 10. 1. An independent contractor who enters into a contract with a ~~public body~~ using agency shall:

~~1.1~~ (a) Fully disclose to the ~~public body~~ using agency:

~~1.1(a)~~ (1) The name of any subcontractor used by the independent contractor to perform the contract.

~~1.1(b)~~ (2) The dollar amount that each subcontractor will be paid by the independent contractor.

~~1.1(c)~~ (3) Any fees that will be charged by the subcontractor for services within the scope of the contract to a person who is not a party to the contract.

~~1.2~~ (b) Report annually to the ~~public body~~ using agency the total dollar amount generated by the fees disclosed pursuant to ~~paragraph (c) of subsection 1.1~~ subparagraph (3) of paragraph (a).

2. Nothing contained in this section shall be deemed to require the disclosure or reporting of any proprietary information.

Sec. 11. 1. Except as otherwise provided in subsection 2, a ~~public body~~ using agency may not enter into a sole source contract unless the ~~period~~ term of the sole source contract does not exceed ~~2~~ 5 years.

2. A ~~public body~~ using agency may enter into a sole source contract whose ~~period~~ term exceeds ~~2~~ 5 years if the longer ~~period~~ term is necessary for the recovery of capital costs through extended amortization.

3. A ~~public body~~ using agency may not renew a sole source contract unless the ~~governing body of the public body~~ State Board of Examiners approves the renewal by a two-thirds vote. ~~For the purposes of this subsection, the governing body of a state agency is the State Board of Examiners.~~

Sec. 12. ~~A public body~~

1. Except as otherwise provided in subsection 2, a using agency may enter into a contract with an independent contractor, other than a sole source contract, for a ~~period~~ term of not more than ~~4~~ 5 years. ~~Such~~ Except as otherwise provided in this subsection, a contract may be extended if the ~~governing body of the public body that awarded the contract~~ State Board of Examiners approves the extension by a two-thirds vote. ~~For the purposes of this section, the governing body of a state agency is the State Board of Examiners.~~ The Board may authorize its Clerk or a

designee to approve an extension of a contract for not more than 1 year if the extension does not require an authorization for the expenditure of any money.

2. With the prior written approval of the Administrator, a using agency may enter into a contract with an independent contractor, other than a sole source contract, for a term longer than 5 years if the Administrator determines that such action is in the best interest of the State.

3. On or before September 1 of each year, the Purchasing Division shall submit a written report to the Interim Finance Committee setting forth the number of contracts described in subsection 2 which are currently in effect and, for each such contract entered into during the immediately preceding fiscal year:

(a) The names of the parties to the contract;

(b) The total amount to be paid by the using agency pursuant to the contract while it remains in effect; and

(c) An explanation of the determination made by the Administrator pursuant to subsection 2.

Sec. 13. 1. A using agency or public body that enters into a sole source contract shall transmit to the Purchasing Division information relating to the sole source contract, including, without limitation, the name of the using agency or public body, as applicable, the name of the independent contractor and a brief description of the services for which the using agency or public body entered into the sole source contract.

2. The Purchasing Division shall post any information received pursuant to this section on its Internet website.

Sec. 14. 1. A using agency or public body that enters into a sole source contract or renegotiates a contract with an independent contractor shall report to the Purchasing Division before August 1 of each year, for the immediately preceding fiscal year:

(a) The number of sole source contracts entered into by the using agency or public body;

(b) The number of competitively bid contracts with an independent contractor entered into by the using agency or public body;

(c) The dollar amount of each sole source contract entered into by the using agency or public body;

(d) The dollar amount of each competitively bid contract with an independent contractor entered into by the using agency or public body; and

(e) The dollar amount of savings generated by renegotiations of all contracts with an independent contractor.

2. The Purchasing Division shall, on or before September 1 of each year, prepare and submit to the Interim Finance Committee a report

detailing the information received pursuant to subsection 1 for the ~~previous~~ immediately preceding fiscal year for all using agencies and public bodies.

Sec. 15. *If an independent contractor violates any provision of section 8, 9 or 10 of this act, the ~~public body~~ using agency may terminate the contract with the independent contractor.*

Sec. 15.1. NRS 333.700 is hereby amended to read as follows:

333.700 1. Except as otherwise provided in NRS 284.1729 ~~and~~ and sections 2 to 15, inclusive, of this act, a using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.

2. ~~[An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without objection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.~~

~~3.]~~ For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

- (1) Withholding of income taxes by the State;
- (2) Coverage for industrial insurance provided by the State;
- (3) Participation in group insurance plans which may be available to employees of the State;
- (4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;
- (5) Accumulation of vacation leave or sick leave; or
- (6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

~~4.]~~ 3. An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.

~~5.]~~ 4. If the contract is for services for which a license, certificate, registration, permit or other type of authorization is required by law, an independent contractor must hold the appropriate, current authorization that is required by law for the services.

~~6.]~~ 5. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as

otherwise provided in subsection ~~18.1~~ 7, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than \$2,000.

~~17.1~~ 6. Except as otherwise provided in subsection ~~18.1~~ 7, and except for contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or a designee to approve contracts which are:

- (a) For amounts less than \$10,000 or, in contracts necessary to preserve life and property, for amounts less than \$25,000; or
- (b) Entered into by the State Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

~~18.1~~ 7. Copies of the following types of contracts need not be filed or approved as provided in subsections ~~16.1~~ 5 and ~~17.1~~ 6:

- (a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.
- (b) Contracts executed by the State Public Works Division of the Department of Administration or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.
- (c) Contracts executed by the Housing Division of the Department of Business and Industry.
- (d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

~~19.1~~ 8. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection ~~17.1~~ 6 to consider:

- (a) Whether sufficient authority exists to expend the money required by the contract; and
- (b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

↪ If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

~~110.1~~ 9. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require that the independent contractor identify in all pleadings the specific state agency which he or she is representing.

10. Notwithstanding the provisions of subsection 2 of section 7 of this act and without limiting the provisions of this section, the provisions of this section are applicable to a contract between a using agency and an independent contractor who is subject to regulation pursuant to the provisions of title 57 of NRS.

11. The State Board of Examiners may adopt regulations to carry out the provisions of this section.

Sec. 15.3. NRS 333.710 is hereby amended to read as follows:

333.710 1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a using agency, the using agency may, pursuant to NRS 333.700, **and sections 2 to 15, inclusive, of this act,** contract with one or more independent contractors to provide such services.

2. If the Chief Justice of the Supreme Court determines that additional security is needed for the safe operation of any facility or building that is owned by or leased to the Supreme Court and occupied by its employees, the Supreme Court may contract with one or more independent contractors to provide security services for the facility or building. Any contractor with whom the Supreme Court contracts for these services is subject to the oversight of a peace officer who provides security services for the Supreme Court and who is designated and directed by the Chief Justice.

3. An independent contractor with whom a using agency contracts pursuant to subsection 1 must:

(a) Be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

4. An independent contractor with whom the Supreme Court contracts pursuant to subsection 2 must be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed.

Sec. 15.5. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

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

(b) Charter school.

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

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

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

(a) Is an independent contractor with the State pursuant to NRS 333.700 ~~and~~ **and sections 2 to 15, inclusive, of this act;** and

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

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

4. “Public officer” or “officer” includes:

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

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

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

Sec. 15.7. NRS 176.0129 is hereby amended to read as follows:

176.0129 The Department of Administration shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, **and sections 2 to 15, inclusive, of this act,** to:

1. Review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

- (a) In a facility or institution of the Department of Corrections;
- (b) On probation;
- (c) On parole; and
- (d) Serving a term of residential confinement,

↪ during the 10 years immediately following the date of the projection; and

2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:

- (a) In a facility or institution of the Department of Corrections;
- (b) On probation;
- (c) On parole; and
- (d) Serving a term of residential confinement,

↪ during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the Commission and enacted by the Legislature.

Sec. 15.9. NRS 232.548 is hereby amended to read as follows:

232.548 1. Except if a particular procedure for resolving a dispute is required by a specific statute, and except as otherwise provided in subsection

2, the Director may authorize any entity within the Department or any natural person who is subject to the authority of the Director to use alternative means of dispute resolution in any proceeding if the alternative means can be:

(a) Carried out by the available personnel of the Department or persons under contract with the Department; and

(b) Paid for with money that is available in the existing budget of the affected entity of the Department.

2. Before authorizing an entity of the Department to use alternative means of dispute resolution, the Director must notify the Attorney General. The Attorney General, within 30 days after receiving the notification from the Director, shall respond to the Director concerning the advisability of using alternative means of dispute resolution to resolve the dispute at issue. The Director shall consider the advice of the Attorney General but may authorize an entity of the Department to use alternative means of dispute resolution unless the Attorney General indicates in his or her response that he or she officially opposes the use of such means. If the Attorney General fails to respond within 30 days after receiving the notification, the Director may authorize the use of alternative means of dispute resolution.

3. The alternative means of dispute resolution may include, without limitation, evaluation of the facts and issues in a dispute by a neutral person, fact-finding, mediation, arbitration or other collaborative problem-solving processes designed to encourage persons to work together to develop agreeable solutions to disputes in lieu of litigation or adjudication of contested cases in administrative hearings.

4. Any entity which, or natural person who, has received authorization from the Director to use alternative means of dispute resolution may enter into a contract to facilitate the use of such means, subject to the approval of the Attorney General, the limitations set forth in subsection 1 and the provisions of NRS 333.700 ~~and sections 2 to 15, inclusive, of this act.~~

Sec. 16. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public body which awards a contract for a public work shall:

(a) ~~Gather and maintain, for every person who submits a bid or otherwise competes~~ **each bid submitted for the contract, the following information:**

(1) ~~The cost of the public work;~~ **amount of the bid; and**

(2) ~~Whether the person bidder was awarded the contract .;~~ **Whether the bidder was awarded the contract .;**

(3) ~~The race, ethnicity, age and gender of the person;~~

(4) ~~The number of employees of the person at the time the person submitted the bid; and~~

(5) ~~The length of time for which the person had been in business at the time the person submitted the bid;.~~

(b) If the provisions of paragraph (b) of subsection 1 of NRS 338.141 are applicable, gather and maintain information about the race, ethnicity, age and gender of each person identified as a principal of:

(1) Each of the three contractors described in that paragraph; and

(2) Each first tier subcontractor identified by those contractors pursuant to that paragraph,

↳ on the license issued to the contractor or first tier subcontractor, as applicable, pursuant to chapter 624 of NRS. Each such contractor shall submit the information described in this paragraph within 2 hours after the completion of the opening of the bids.

(c) Include in the contract a clause requiring the person who is awarded the contract to gather, maintain and report to the public body the information required by subsection 2 ~~+~~

~~(e)~~, if the provisions of that subsection are applicable.

(d) Compile and maintain the information reported to the public body pursuant to subsection 2, if the provisions of that subsection are applicable, by the person who is awarded the contract. ~~+~~

~~(d)~~ (e) Enter or cause to be entered through the application on the Internet website of the Division created pursuant to paragraph (a) of subsection 3 the information which the public body:

(1) Gathers and maintains pursuant to ~~paragraph~~ paragraphs (a) and (b), as applicable, within 30 days after the opening of bids; and

(2) Compiles and maintains pursuant to paragraph ~~(e)~~ and

~~(e)~~ (d).

(f) Deem a bid that does not contain the information that the public body is required to gather and maintain pursuant to paragraph ~~(a)~~ (b), if the provisions of that paragraph are applicable, to be not responsive ~~+~~ if the information is not submitted within the time required by that paragraph.

2. ~~The~~ If the provisions of paragraph (b) of subsection 1 of NRS 338.141 are applicable, the person who is awarded the contract by the public body shall, for himself or herself and for each subcontractor ~~and other person who provides labor, equipment, materials, supplies or services for the public work;~~ identified pursuant to that paragraph:

(a) Identify the race, ethnicity, age and gender, if known, of every ~~person~~ employee who, during the duration of the contract for the public work, is on the certified payroll of:

(1) The person who is awarded the contract; and

(2) Each such subcontractor ~~;~~ ~~for other person who provides labor, equipment, materials, supplies or services for the public work;~~

~~(b) Identify the race, ethnicity, age and gender, if known, of every person who, during the duration of the contract for the public work, applies for~~

~~employment on the public work and the wage or salary of the job for which the person applies; and~~

~~##(c)## (b) Submit a report to the public body following the completion of the public work which compiles the information required by paragraphs (a) and (b).~~

~~The provisions of paragraph (b) apply only with respect to an applicant for employment who applies directly to the person who is awarded the contract, subcontractor or other person for employment rather than applying for employment through another entity such as an employment agency or trade union. paragraph (a).~~

3. The Division shall:

(a) Create an application on its Internet website for a public body to enter or cause to be entered the information gathered and maintained by the public body pursuant to subsection 1 that does not allow for the entry of any personal information, as that term is defined in NRS 603A.040;

(b) Make available to the public the information entered pursuant to paragraph (a); and

(c) Report annually the information entered pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau in any format requested by the Director.

4. For the purposes of subsection 1, if a person who submits a bid or otherwise competes for the contract is:

(a) A design-build team, the public body must gather and maintain the required information for each member of the design-build team.

(b) Not a natural person, the public body must gather and maintain the required information, if known, for each natural person who holds a controlling interest in the person who submits the bid or otherwise competes for the contract.

Sec. 16.5. NRS 396.110 is hereby amended to read as follows:

396.110 1. The Board of Regents may prescribe rules for:

(a) Its own government; and

(b) The government of the System.

2. The Board of Regents shall prescribe rules ~~for~~ :

(a) For the granting of permission to carry or possess a weapon pursuant to NRS 202.265.

(b) Requiring vendors and independent contractors who enter into contracts with the System to understand and abide by all applicable state ethics laws.

(c) Providing increased opportunities for women, minorities and small, disadvantaged or local businesses, as independent contractors, to obtain contracts with the System.

(d) Providing for the disclosure to the public of information relating to the cost of contracts between the System and independent contractors and any fees charged pursuant to any such contract to a person who is not a party to the contract.

(e) Requiring the maintenance of accurate records relating to the matters set forth in paragraphs (c) and (d).

(f) Requiring the preparation and submission by the System of an annual written report to the Board of Regents concerning the activities and progress of the System in complying with the rules described in paragraphs (b) to (e), inclusive.

3. On or before December 31 of each year, the Board of Regents shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislative Commission, the written report prepared pursuant to paragraph (f) of subsection 2.

4. As used in this section, “independent contractor” has the meaning ascribed to it in section 3 of this act.

Sec. 17. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For any contract with a professional who is not a member of a design-build team for the provision of services entered into by the Department on or after July 1, 2013, within 30 days after entering into the contract, the Department shall post information relating to the contract on its Internet website, including, without limitation, the name of the professional, a brief description of the services for which the Department entered into the contract and the cost of the contract.

2. As used in this section, “professional” includes, without limitation, an architect, an attorney, an engineer, a landscape architect and a surveyor.

Sec. 17.5. NRS 590.505 is hereby amended to read as follows:

590.505 1. The Board may adopt a seal for its own use which must have imprinted thereon the words “Board for the Regulation of Liquefied Petroleum Gas.” The care and custody of the seal is the responsibility of the Secretary-Treasurer of the Board.

2. The Board may appoint an Executive Secretary and may employ or, pursuant to NRS 333.700, and sections 2 to 15, inclusive, of this act, contract with such other technical, clerical or investigative personnel as it deems necessary. The Board shall fix the compensation of the Executive Secretary and all other employees and independent contractors. Such compensation must be paid out of the money of the Board. The Board may require the Executive Secretary and any other employees and independent contractors to give a bond to the Board for the faithful performance of their duties, the premiums on the bond being paid out of the money of the Board.

3. In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and holding its regular or special meetings, the Board:

(a) Shall adopt written policies setting forth procedures and methods of operation for the Board.

(b) May adopt such regulations as it deems necessary.

4. The Board shall submit to the Legislature and the Governor a biennial report before September 1 of each even-numbered year, covering the biennium ending June 30 of that year, of its transactions during the preceding biennium, including a complete statement of the receipts and expenditures of the Board during the period and any complaints received by the Board.

5. The Board shall keep accurate records, minutes and audio recordings or transcripts of all meetings and, except as otherwise provided in NRS 241.035, the records, minutes, audio recordings and transcripts so kept must be open to public inspection at all reasonable times. The Board shall also keep a record of all applications for licenses and licenses issued by it. The record of applications and licenses is a public record.

Sec. 18. The Purchasing Division of the Department of Administration shall adopt any regulations required by section 8 of this act before October 1, 2013.

Sec. 19. 1. Contracts entered into before October 1, 2013, are not subject to the provisions of sections 2 to 15, inclusive, **of this act, and the amendatory provisions of sections 15.1 to 15.9, inclusive, and 17.5** of this act.

2. Contracts entered into before July 1, 2013, are not subject to the provisions of sections 16 and 17 of this act.

Sec. 20. 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. 21. 1. This section and sections **16.5,** 18, 19 and 20 of this act become effective upon passage and approval.

2. Sections 1 to ~~15.1~~ **15.9,** inclusive, **and 17.5** of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks; and

(b) On October 1, 2013, for all other purposes.

3. Sections 16 and 17 of this act become 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. 173.

Bill read second time.

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

Amendment No. 61.

AN ACT relating to electric utilities; prohibiting certain electric utilities from requiring that residential customers pay certain electric service rates based on the time of use of electricity; prohibiting the Public Utilities Commission of Nevada, **except under certain circumstances**, from approving any change of schedule or imposition of an electric service rate by an electric utility which requires residential customers to pay rates based on the time of use of the electricity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a public utility from making changes to any schedule of rates or imposing any rate on its customers without the approval of the Public Utilities Commission of Nevada. (NRS 704.061-704.140) **Section 4** of this bill prohibits an electric utility which, in the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of \$250,000,000 or more in this State, from making changes in any schedule or imposing any rate which requires a residential customer to purchase electric service at a rate which is based on the time during which the electricity is used. **Section 4** also prohibits the Commission from approving any such changes in any schedule or authorizing the imposition of any such rate by an electric utility ~~to~~, **except that the Commission may approve such a change in a schedule or authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.**

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

Section 1. NRS 703.130 is hereby amended to read as follows:

703.130 1. The Commission shall, within the limits of legislative appropriations or authorizations, employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Commission may require.

2. The Commission shall appoint an Executive Director, who must be:

(a) Knowledgeable and experienced in public administration and fiscal management;

(b) Knowledgeable in the areas of utility regulation by the Commission; and

(c) Independent of and have no pecuniary interest in any entity regulated by the Commission.

3. The Executive Director shall:

(a) Serve as Chief Financial Officer for the Commission;

(b) Direct the daily operation of the Commission, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Commission; and

(5) Contracts and leases entered into by the Commission;

(c) Develop and implement policies and procedures to ensure the efficient operation of the Commission;

(d) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Commission; and

(3) Compliance with and enforcement of statutes and regulations pertaining to utilities which are regulated by the Commission; and

(e) Authenticate documents and serve as custodian of all agency records.

4. The Executive Director is in the unclassified service of the State.

5. The Executive Director, with the approval of the Commission, shall designate a Secretary who shall perform such administrative and other duties as are prescribed by the Executive Director. The Executive Director, with the approval of the Commission, shall also designate an Assistant Secretary.

6. The Executive Director may employ such other clerks, experts or engineers as may be necessary.

7. Except as otherwise provided in subsection 8, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

8. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, **and section 4 of this act** in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

9. As used in this section, “electric utility” has the meaning ascribed to it in NRS 704.187.

Sec. 2. NRS 703.320 is hereby amended to read as follows:

703.320 Except as otherwise provided in subsections 9 and 11 of NRS 704.110:

1. In any matter pending before the Commission, if a hearing is required by a specific statute or is otherwise required by the Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Commission shall by regulation specify:

- (a) The manner of giving notice in each type of proceeding; and
- (b) The persons entitled to notice in each type of proceeding.

2. The Commission shall not dispense with a hearing:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) Except as otherwise provided in paragraph (f) of subsection 1 of NRS 704.100, in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, **and section 4 of this act** in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application pursuant to NRS 704.187.

3. In any other matter pending before the Commission, the Commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Commission a request that the hearing be held. If such a request for a hearing is filed, the Commission shall give at least 10 days’ notice of the hearing.

4. As used in this section, “electric utility” has the meaning ascribed to it in NRS 704.187.

Sec. 3. NRS 703.374 is hereby amended to read as follows:

703.374 1. A court of competent jurisdiction, after hearing, may issue an injunction suspending or staying any final order of the Commission if:

- (a) The applicant has filed a motion for a preliminary injunction;
- (b) The applicant has served the motion on the Commission and other interested parties within 20 days after the rendition of the order on which the complaint is based;

(c) The court finds there is a reasonable likelihood that the applicant will prevail on the merits of the matter and will suffer irreparable injury if injunctive relief is not granted; and

(d) The applicant files a bond or other undertaking to secure the adverse parties in such manner as the court finds sufficient.

2. The decision of the Commission on each matter considered shall be deemed reasonable and just until set aside by the court. In all actions for an injunction or for any other relief, the burden of proof is upon the party attacking or resisting the order of the Commission to show by clear and satisfactory evidence that the order is unlawful or unreasonable.

3. If an injunction is granted by the court and the order complained of is one which:

(a) Disapproves a public utility's proposed changes in a schedule of rates, or any part thereof, pursuant to NRS 704.061 to 704.110, inclusive ~~{;}~~, **and section 4 of this act**; or

(b) Otherwise prevents the proposed changes in the schedule, or any part thereof, from taking effect,

↳ the public utility complaining may place into effect the proposed changes in the schedule, or any part thereof, pending final determination by the court having jurisdiction, by filing a bond with the court in such an amount as the court may fix, conditioned upon the refund to persons entitled to the excess amount if the proposed changes in the schedule, or any part thereof, are finally determined by the court to be excessive.

Sec. 4. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An electric utility shall not make changes in any schedule or impose any rate, and the Commission shall not approve any changes in any schedule or authorize the imposition of any rate by an electric utility, which requires a residential customer to purchase electric service at a rate which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the electricity is used ~~{;}~~, except that the Commission may approve such a change in a schedule or authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.*

2. *As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.*

Sec. 5. NRS 704.061 is hereby amended to read as follows:

704.061 As used in NRS 704.061 to 704.110, inclusive, **and section 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 704.062, 704.065 and 704.066 have the meanings ascribed to them in those sections.

Sec. 6. NRS 704.068 is hereby amended to read as follows:

704.068 For the purposes of NRS 704.061 to 704.110, inclusive, **and section 4 of this act**, a public utility shall be deemed to make changes in a

schedule if the public utility implements a new schedule or amends an existing schedule.

Sec. 7. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in subsections 9 and 11 of NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, **and section 4 of this act** in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 8. NRS 228.360 is hereby amended to read as follows:

228.360 1. The Consumer's Advocate:

(a) Shall intervene in and represent the public interest in:

(1) All proceedings conducted pursuant to NRS 704.7561 to 704.7595, inclusive; and

(2) All proceedings conducted pursuant to NRS 704.061 to 704.110, inclusive, **and section 4 of this act** in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

(b) May, with respect to all public utilities except railroads and cooperative utilities, and except as otherwise provided in NRS 228.380:

(1) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(2) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the Public

Utilities Commission of Nevada in the same manner and to the same extent as authorized by law for members of the Public Utilities Commission of Nevada and its staff.

(3) Except as otherwise provided in paragraph (a), petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the Public Utilities Commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the Consumer's Advocate may bring before or has brought before the Public Utilities Commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The Consumer's Advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and the Consumer's Advocate is a real party in interest in the proceeding.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 9. This act becomes effective upon passage and approval.

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. 174.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 165.

AN ACT relating to the protection of children; revising provisions governing the procedure following a hearing to determine whether a child should remain in protective custody pending further action by the court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency which provides child welfare services that has taken a child into protective custody: (1) to file a petition alleging that the child is in need of protection within 10 days after the hearing on protective custody, if the death of the parent of the child is or may be the result of an act of the other parent that constitutes domestic violence; or (2) in all other cases, to file a petition alleging that the child is in need of protection within 10 days after the hearing on protective custody, unless good cause exists to extend that time, or recommend against further action. **(NRS 432B.490)** This bill provides that **in cases which do not involve the death of the parent of a child as a result of an act of the other parent that constitutes domestic violence,** if the agency which provides child welfare services fails to file a

petition alleging that the child is in need of protection within 10 days after the hearing on protective custody ~~is~~ : ~~(1) the agency must either~~ **may recommend against further action and return the child to the custody of the person responsible for the welfare of the child;** or ~~file a motion~~ **(2) any party to the proceeding may schedule an additional hearing with the court** to determine whether it is in the best ~~interest~~ **interests** of the child to return the child to the person responsible for the welfare of the child pending further action by the court. This bill further provides for notice of the hearing to a parent or other person responsible for the welfare of the child.

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

Section 1. NRS 432B.490 is hereby amended to read as follows:

432B.490 1. An agency which provides child welfare services:

(a) In cases where the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, shall within 10 days after the hearing on protective custody initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510;

(b) In ~~other~~ cases where a ~~hearing on~~ ***court issues an order keeping the child in*** protective custody ~~is held~~ ***pursuant to paragraph (b) of subsection 1 of NRS 432B.480,*** shall within 10 days after the hearing on protective custody, unless good cause exists, initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 or recommend against any further action in court; or

(c) ~~If a child is not placed in protective custody, may, after~~ ***In cases where*** an investigation is made under NRS 432B.010 to 432B.400, inclusive, ***and a determination is made that the child is in need of protection but is not in imminent danger, may*** file a petition which meets the requirements set forth in NRS 432B.510.

2. If the agency recommends against further action, the court may, on its own motion, initiate proceedings when it finds that it is in the best interests of the child.

3. If a child has been placed in protective custody and if further action in court is taken, an agency which provides child welfare services shall make recommendations to the court concerning whether the child should be returned to the person responsible for the welfare of the child pending further action in court.

4. ***If, in a case described in paragraph (b) of subsection 1, an agency which provides child welfare services fails to initiate a proceeding in court by filing a petition which meets the requirements set forth in***

NRS 432B.510 within 10 days after the hearing on protective custody : ~~the agency shall~~

(a) ~~Recommend~~ The agency may recommend against further action and return the child to the custody of the person responsible for the welfare of the child; or

(b) ~~File a motion~~ Any party to the proceeding may schedule an additional hearing with the court which must take place before the next scheduled court date to determine whether the child should be returned to the person responsible for the welfare of the child pending further action by the court.

5. Except as otherwise provided in this subsection, notice of the time and place of ~~the~~ a hearing ~~on a motion filed~~ scheduled pursuant to paragraph (b) of subsection 4 must be given to a parent or other person responsible for the welfare of the child:

(a) By personal service of a written notice;

(b) Orally; or

(c) If the parent or other person responsible for the welfare of the child cannot be located after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.

↳ If the child was delivered to a provider of emergency services pursuant to the provisions of NRS 432B.630 and the location of the parent is unknown, the parent shall be deemed to have waived any notice of any hearing conducted pursuant to this section.

6. If notice of a hearing ~~on a motion filed~~ scheduled pursuant to paragraph (b) of subsection 4 is given by means of paragraph (b) or (c) of subsection 5, a copy of the notice must be mailed to the parent or other person responsible for the welfare of the child at his or her last known address within 24 hours after the petition is filed.

7. The court shall hold a hearing ~~on a motion filed~~ scheduled pursuant to paragraph (b) of subsection 4 ~~and may~~ to decide whether ~~to return the child to the person responsible for the welfare of the child as it determines is in~~ there remains reasonable cause to believe that it would be:

(a) Contrary to the welfare of the child for the child to reside at his or her home; or

(b) In the best ~~interest~~ interests of the child ~~to~~ to keep the child outside of his or her home.

Sec. 2. 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. 175.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 97.

AN ACT relating to elections; authorizing uniformed-service voters, their spouses and overseas voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots with digital signatures or electronic signatures; requiring the Secretary of State to prescribe by regulation certain duties of local elections officials; making various other changes to the Uniformed Military and Overseas Absentee Voters Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Uniformed Military and Overseas Absentee Voters Act (chapter 293D of NRS) authorizes members of the Armed Forces of the United States, their spouses and dependents, and certain other electors of this State who reside outside the United States (collectively known as “covered voters”) to apply for and receive through a system of approved electronic transmission established by the Secretary of State applications to register to vote and military-overseas ballots.

Sections 13 and 15-19 of this bill authorize covered voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots using digital or electronic signatures. **Section 15** requires the system of approved electronic transmission to include a method by which a covered voter may provide his or her digital or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot. **Sections 11 and 12** of this bill, respectively, define the terms “digital signature” and “electronic signature.”

Section 15 also requires the Secretary of State to prescribe by regulations the duties of a local elections official upon receipt of a military-overseas ballot. **Sections 1-9** of this bill make various conforming changes.

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

Section 1. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have

signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in ~~this subsection,~~ **subsection 5**, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If ~~pursuant~~:

(a) **Pursuant** to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer ~~};~~; **or**

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

~~§~~ 6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

~~§~~ 7. Except as otherwise provided in subsection ~~§~~ 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

~~§~~ 8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

~~§~~ 9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

~~§~~ 10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 2. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2 ~~§~~ and **NRS 293D.200**, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent

ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. ~~¶~~ *Except as otherwise provided in NRS 293D.200, if* an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 3. NRS 293.333 is hereby amended to read as follows:

293.333 ~~{On}~~ *Except as otherwise provided in NRS 293D.200, on* the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;
3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 4. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to precinct or district election boards have been voted or rejected, *except as otherwise provided in*

NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 5. NRS 293.340 is hereby amended to read as follows:

293.340 1. In counties in which an absent ballot central counting board is appointed the county clerk shall provide a ballot box in the county clerk's office for each different ballot listing in the county.

2. On each such box there ~~shall~~ **must** appear a statement indicating the precincts and district for which such box has been designated.

3. ~~Each~~ **Except as otherwise provided in NRS 293D.200, each** absent ballot voted ~~shall~~ **must** be deposited in a ballot box according to the precinct or district of the absent voter voting such ballot.

Sec. 6. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 ~~it~~ **and NRS 293D.200**, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. ~~It~~ **Except as otherwise provided in NRS 293D.200, if** an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 7. NRS 293C.332 is hereby amended to read as follows:

293C.332 ~~On~~ *Except as otherwise provided in NRS 293D.200, on* the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;
3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 8. NRS 293C.335 is hereby amended to read as follows:

293C.335 When all absent ballots delivered to precinct or district election boards have been voted or rejected, *except as otherwise provided in NRS 293D.200*, the empty envelopes and the envelopes containing rejected ballots must be returned to the city clerk. On all envelopes containing the rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 9. NRS 293C.340 is hereby amended to read as follows:

293C.340 1. In cities in which an absent ballot central counting board is appointed, the city clerk shall provide a ballot box in the city clerk's office for each different ballot listing in the city.

2. On each box there must appear a statement indicating the precincts and district for which the box has been designated.

3. ~~Each~~ *Except as otherwise provided in NRS 293D.200, each* absent ballot voted must be deposited in a ballot box according to the precinct or district of the absent voter voting that ballot.

Sec. 10. Chapter 293D of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.

Sec. 11. *"Digital signature" has the meaning ascribed to it in NRS 720.060.*

Sec. 12. *"Electronic signature" has the meaning ascribed to it in NRS 719.100.*

Sec. 13. *A covered voter may sign any document or other material that is necessary for the covered voter to register to vote, apply for a military-*

overseas ballot or cast a military-overseas ballot pursuant to this chapter using his or her digital signature or electronic signature.

Sec. 14. NRS 293D.020 is hereby amended to read as follows:

293D.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 293D.030 to 293D.090, inclusive, ***and sections 11 and 12 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, ~~and~~ receive ***and send*** documents and other information pursuant to this chapter. ***The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.***

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. ***The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.***

Sec. 16. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, to apply to register to vote.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting ~~both~~ :

(a) **Both** a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official ~~;~~ ; **and**

(b) **A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).**

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 17. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, pursuant to this section.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of ~~both~~ :

(a) **Both** a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official ~~;~~ ~~The~~ ; **and**

(b) **A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).**

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

~~{4-}~~ 5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

~~{5-}~~ 6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

~~{6-}~~ 7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 18. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. § 1973ff-1(g)(2), not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by ~~{facsimile}~~ :

(a) *Facsimile* transmission ~~{or electronic}~~ ;

(b) *Electronic* mail delivery ~~{-}~~ ; or

(c) *The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.*

↪ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

Sec. 19. NRS 293D.420 is hereby amended to read as follows:

293D.420 *1.* Each military-overseas ballot must include or be accompanied by a declaration signed by the covered voter declaring that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

2. The covered voter may sign the declaration required pursuant to subsection 1 using his or her digital signature or electronic signature.

Sec. 20. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations; and

2. On January 1, 2014, for all other purposes.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 195, 212, 217, 233, 240, 252, 255, 277, 300, 344, 350, 364, 365, 366, 377, 381, 383, 492, 493; Assembly Joint Resolution No. 8; Senate Bill No. 139; Senate Joint Resolution No. 4 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 2, 7, 13, 16, 19, 30, 40, 45, 66, 69, 75, 82, 84, 85, 128, 134, 158, 170, 206, 249, 262, 352; Assembly Joint Resolutions Nos. 3, 4, 5; Senate Bill No. 121 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 1, 20, 24, 130, and 169 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Madam Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Renee Diamond.

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Katrina Alvarez-Hyman.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Deidre McCormick, Ana Seiler, and Sage Seiler.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Norine Clark.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Lydia Rigby, Linda Kwong, Delaney Polchan, and Ava Gochnour.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jerrod Williams and Diane O'Connor.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Yazinka.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Lion.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Pruitt and Elisabeth Stott.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Madison Roberts-Smith.

Assemblyman Horne moved that the Assembly adjourn until Friday, April 12, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:35 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly