

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 12, 2013

Assembly called to order at 12:05 p.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Father Chuck Durante.

Great and Gracious God, author of all that is good, we thank You for the beauty of this day and for the gift of life within and all around us.

As we dedicate this day to You, help us use it to the fullest so that at day's end, we may rest in the assurance that this, our home, is just a little bit better than when the day began.

We lift up to You both our successes and our failures this day, trusting that You can bring forth good even from bad, wheat even from weeds.

Bless the Nevada Assembly this day and all their deliberations and all their work. May they be strengthened in their relationships and their leadership and in doing good for all whom they serve. May obstacles in their work this day not be overwhelming, but challenge them to new possibilities.

And as the week comes to a close, may they, and all Your people, find some rest in the Sabbath days ahead and some time to praise and give thanks.

We make this prayer as Your instruments of peace.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 322, 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 239, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and refer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 27, 76, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 31, 65, 139, 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 56, 362, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 8, 29, 109, 144, 221, 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 194, 274, 395, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

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

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Concurrent Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 198, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 10, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 20.

CINDY JONES
Fiscal Analysis Division

April 10, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 377.

MARK KRMPOTIC
Fiscal Analysis Division

April 11, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 251, 287, 291, 413, 422, 425 and 454.

CINDY JONES
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 294, 319, 353, 369, 375, 400, 408, 414, 423, 440, 456, 466 and 485.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 319.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 353.

CINDY JONES
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 452.

MARK KRMPOTIC
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 34, if the amendment proposed by the Committee on Government Affairs is adopted.

MARK KRMPOTIC
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 123, if the amendment proposed by the Committee on Commerce, Labor and Energy is adopted.

MARK KRMPOTIC
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 416, if the amendment proposed by the Committee on Judiciary is adopted.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Smith.

For: Senate Bill No. 482.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Wednesday, April 10, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

ASSEMBLYWOMAN MARILYN KIRKPATRICK
Speaker of the Assembly

Assembly Concurrent Resolution No. 3

Assemblyman Daly moved the adoption of the resolution.

Resolution adopted as amended, and ordered transmitted to the Senate.

Assemblyman Horne moved that Assembly Bills Nos. 60, 195, 212, 217, 240, 252, 277, 300, 364, 365, 366, 367, 381, and 383 be taken from their positions on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 151.

AN ACT relating to charities; requiring nonprofit corporations to ~~register~~ **file certain information** with the Secretary of State before soliciting charitable contributions in this State; ~~prescribing the information that must be filed with the Secretary of State to register;~~ requiring the Secretary of State to provide **to the public** certain information concerning ~~registered~~ nonprofit corporations ~~to the public; enacting provisions concerning the investigation of nonprofit corporations;~~ **that solicit charitable contributions in this State;** requiring the disclosure of certain information by a person conducting a solicitation for charitable contributions for or on behalf of a nonprofit corporation or other charitable organization; authorizing

the imposition of penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the activities of nonprofit corporations within the State. (Chapter 82 of NRS)

Section 3 of this bill requires every nonprofit corporation that intends to solicit tax-deductible charitable contributions in this State to file ~~the registration statement~~ **certain information** and a financial report with the Secretary of State. ~~[Section 3 also requires the registration statement to include certain information concerning the nonprofit corporation and]~~ **at the time the corporation files its articles of incorporation and its annual list.**

Section 3 authorizes the financial report to be a copy of the nonprofit corporation's Form 990 IRS filing for the most recent fiscal year. ~~[The registration and financial statement must be filed annually.]~~ **Section 5** of this bill ~~requires~~ **provides that if** a nonprofit corporation ~~[to pay a delinquency fee of \$50 if the nonprofit corporation]~~ fails to file the ~~[annual registration]~~ **information** and financial statement ~~[on or before the due date and]~~ **with its annual list, the nonprofit corporation is required to pay the \$50 penalty for a default in the requirement for filing an annual list. Section 5 further** authorizes the ~~[imposition of additional penalties]~~ **Secretary of State to issue a cease and desist order** if the nonprofit corporation fails to file the ~~[registration]~~ **information** and financial statement **and pay the penalty for default** within 90 days ~~[of]~~ **after** notice of the ~~[delinquency.]~~ **default. If the nonprofit corporation fails to comply with the cease and desist order, section 5 authorizes the Secretary of State to: (1) forfeit the right of the nonprofit corporation to transact business in this State; and (2) refer the matter to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction. Section 4** of this bill requires the Secretary of State to publish certain information provided by the nonprofit corporation on the Secretary of State's Internet website.

~~[Section 6 of this bill authorizes the Secretary of State to investigate the transactions, solicitations and relationships of a nonprofit corporation required to register with the Secretary of State to determine whether: (1) the purposes of the nonprofit corporation are being carried out in accordance with its articles of incorporation or other instrument setting forth its purposes; (2) the nonprofit corporation or its directors, trustees, officers or executive personnel are complying with existing law governing nonprofit corporations and the solicitation of charitable contributions; and (3) any fiduciary duties arising under law have been breached. Section 6 also authorizes the Secretary of State to order certain remedial measures if the Secretary of State finds that a nonprofit corporation or any of its directors,~~

~~trustees, officers or executive personnel have violated a provision of existing law imposing a fiduciary duty or governing the solicitation of charitable contributions.~~

~~Section 8 of this bill requires the award of costs and attorney's fees to the State in certain actions relating to nonprofit corporations and authorizes a court to require a responsible officer of a nonprofit corporation to pay a judgment obtained against the nonprofit corporation.]~~

Section 6.5 of this bill requires the Secretary of State to provide written notice to a person who is alleged to have violated certain provisions of law governing the solicitation of charitable contributions if the Secretary of State believes such a violation has occurred. Section 6.5 further authorizes the Secretary of State to refer a violation of certain provisions of law governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction. Under section 6.5, in such a proceeding, the Attorney General may seek an injunction or other equitable relief and a civil penalty of not more than \$1,000. If the Attorney General prevails in the proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, investigation costs and reasonable attorney's fees.

Existing law prohibits a person soliciting contributions for or on behalf of a charitable organization from making a false, deceiving or misleading claim or representation. (NRS 598.1305) **Section 12** of this bill requires a person representing that he or she is soliciting contributions for or on behalf of a charitable organization or nonprofit corporation to disclose: (1) the name of the charitable organization or nonprofit corporation as registered with the Secretary of State; (2) the state or jurisdiction in which the charitable organization or nonprofit corporation is formed; (3) the purpose of the charitable organization or nonprofit corporation; and (4) ~~whether the charitable organization or nonprofit corporation is exempt from income tax.]~~ **certain information relating to whether the contribution or donation is tax deductible** pursuant to section ~~501(e)(3)]~~ **170(c)** of the Internal Revenue Code. Under **section 12**, the failure to make this disclosure is a deceptive trade practice.

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

Section 1. Chapter 82 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, "charitable contribution" means a contribution that is recognized as a tax deductible contribution pursuant to the*

provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), future amendments to that section and the corresponding provisions of future internal revenue laws.

Sec. 2.5. The provisions of sections 2 to 9, inclusive, of this act do not apply to a corporation that is a unit or instrumentality of the United States government.

Sec. 3. 1. ~~[(A)]~~ Except as otherwise provided in section 2.5 of this act, a corporation shall not solicit charitable contributions in this State by any means, or have charitable contributions solicited in ~~the~~ this State on its behalf by another person or entity, unless the corporation is registered with the Secretary of State pursuant to this section. Each chapter, branch or affiliate of a corporation may register separately.

2. ~~[(To register initially, a)]~~ A corporation which intends to solicit charitable contributions must, at the time of filing its articles of incorporation pursuant to NRS 82.081, file ~~with the Secretary of State~~

~~(a) A registration statement~~ on a form prescribed by the Secretary of State ~~and~~:

(a) The information required by subsection 3; and

(b) A financial report, ~~on a form prescribed by the Secretary of State.~~

3. The ~~registration statement~~ form required by subsection 2 must include, without limitation:

(a) The exact name of the corporation as registered with the Internal Revenue Service;

(b) The federal tax identification number of the corporation;

(c) The name of the corporation as registered with the Secretary of State or, if a foreign nonprofit corporation, the name of the foreign nonprofit corporation as filed in its jurisdiction of origin;

(d) The purpose for which the corporation is organized;

(e) The name or names under which the corporation intends to solicit charitable contributions;

(f) The address and telephone number of the principal place of business of the corporation and the address and telephone number of any offices of the corporation in this State or, if the corporation does not maintain an office in this State, the name, address and telephone number of the custodian of the financial records of the corporation;

(g) The names and addresses, either residence or business, of the officers, directors, trustees and executive personnel of the corporation;

(h) The last day of the fiscal year of the corporation;

(i) The jurisdiction and date of the formation of the corporation;

(j) The tax exempt status of the corporation; and

(k) Any other information deemed necessary by the Secretary of State ~~+~~, as prescribed by regulations adopted by the Secretary of State pursuant to section 9 of this act.

4. Except as otherwise provided in this subsection, a financial report must contain the financial information of the corporation for the most recent fiscal year. In the discretion of the Secretary of State, the financial report may be a copy of the Form 990 of the corporation, with all schedules except the schedules of donors, for the most recent fiscal year. If a corporation was first formed within the past year and does not have any financial information or a Form 990 for its most recent fiscal year, the corporation must complete the financial report using good faith estimates for its current fiscal year on a form prescribed by the Secretary of State.

5. ~~Except as otherwise provided in subsection 6, to maintain its registration, a~~ A corporation which intends to solicit charitable contributions in this State must, ~~on or before the last day of the month in which the anniversary date of its initial registration pursuant to subsection 2 in each year,~~ at the time the corporation files the annual list required by subsection 3 of NRS 82.193, file with the Secretary of State:

(a) If the purpose for which the corporation is organized has changed, a statement of that purpose.

(b) A new financial report pursuant to subsection 4.

6. ~~Not later than 45 days before the date on which the filing required by subsection 5 is due, a corporation may file a written application requesting additional time to file the information required by subsection 5 and stating the reason that additional time should be allowed for the filing. If the Secretary of State finds that good cause exists to grant an extension of time for the filing of the information required by subsection 5, the Secretary of State may grant the extension. If the Secretary of State denies the application, the corporation must file the information required by subsection 5 not later than the due date of the filing.~~

~~7. A registration statement, financial report or other statement filed by a corporation pursuant to this section is not valid unless signed under oath or affirmation by an officer of the corporation.~~

~~8. The Secretary of State shall examine each registration statement, financial report or other statement to determine whether the applicable requirements of this section are satisfied. The Secretary of State shall notify the corporation of any deficiencies in its registration statement, financial report or other statement. The Secretary of State shall issue a registration number to each corporation registered pursuant to this section.~~

~~9. All information filed pursuant to this section are public records.~~

~~10. Registration~~ The filing of information pursuant to this section is not an endorsement of any corporation by the Secretary of State or the State of Nevada.

~~7.~~ 7. As used in this section ~~f~~:

(a) "Form 990" means the Return of Organization Exempt from Income Tax (Form 990) of the Internal Revenue Service of the United States Department of the Treasury, or any equivalent or successor form of the Internal Revenue Service of the United States Department of the Treasury.

(b) "Solicit charitable contributions" means to request a contribution, donation, gift or the like that is made by any means, including, without limitation:

(1) Mail;

(2) Commercial carrier;

(3) Telephone, facsimile, electronic mail or other electronic device; or

(4) A face-to-face meeting.

↪ The term includes requests for contributions, donations, gifts or the like which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State, but does not include a request for contributions, donations, gifts or the like which is directed only to a total of fewer than 15 persons or only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the corporation.

Sec. 4. The Secretary of State shall make available to the public and post on the official Internet website of the Secretary of State the information provided by each corporation pursuant to section 3 of this act.

Sec. 5. 1. If the Secretary of State finds that a corporation required to file information pursuant to subsection 5 of section 3 of this act is soliciting charitable contributions in this State, or is having charitable contributions solicited in this State on its behalf by another person or entity, without filing the information required by subsection 5 of section 3 of this act on or before the due date for the filing, the Secretary of State shall impose ~~a delinquency fee of \$50~~ on the corporation the penalty for default set forth in subsection 3 of NRS 82.193 and notify the corporation of the violation by providing written notice to its registered agent. The written notice:

(a) Must include a statement indicating that the corporation is required to file the information required by subsection 5 of section 3 of this act and pay the ~~delinquency fee imposed pursuant to this~~ penalty for default set forth in subsection ~~f~~ 3 of NRS 82.193.

(b) May be provided electronically.

2. Not later than 90 days after receiving notice from the Secretary of State pursuant to subsection 1, the corporation must file the information

required by subsection 5 of section 3 of this act and pay the ~~delinquency fee imposed pursuant to~~ penalty for default set forth in subsection 3 of NRS 82.193. If the corporation fails to file the information required by subsection 5 of section 3 of this act and pay the ~~delinquency fee~~ penalty for default set forth in subsection 3 of NRS 82.193 within 90 days ~~of~~ after receiving the notice, the Secretary of State may, in addition to imposing the ~~delinquency fee~~ penalty for default set forth in subsection 3 of NRS 82.193, take any or all of the following actions:

(a) Impose a civil penalty of not more than \$1,000.

(b) Issue an order to cease and desist soliciting charitable contributions ~~or~~ or having charitable contributions solicited on behalf of the corporation by another person or entity.

3. An action taken pursuant to subsection 2 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS. ~~In a judicial review of an action taken pursuant to subsection 2, the court may reverse or modify an action of the Secretary of State only if the court finds that the Secretary of State lacked authority to take the action or that the amount of a civil penalty imposed by the Secretary of State is unconscionable under the circumstances.~~

4. If a corporation fails to pay a civil penalty imposed by the Secretary of State pursuant to subsection 2 or comply with an order to cease and desist issued by the Secretary of State pursuant to subsection 2, the Secretary of State may:

(a) If the corporation is organized pursuant to this chapter, revoke the charter of the corporation. If the charter of the corporation is revoked pursuant to this paragraph, the corporation forfeits its right to transact business in this State.

(b) If the corporation is a foreign nonprofit corporation, forfeit the right of the foreign nonprofit corporation to transact business in this State.

(c) Refer the matter to the Attorney General for a determination of whether to institute proceedings pursuant to section 6.5 of this act.

~~Sec. 6. *1. The Secretary of State may investigate the transactions, solicitations and relationships of a corporation subject to the requirements of sections 2 to 9, inclusive, of this act to ascertain whether:*~~

~~*(a) The purposes of the corporation are being carried out in accordance with the articles of incorporation or any other instrument setting forth the purposes of the corporation.*~~

~~*(b) The corporation is soliciting charitable contributions, or having charitable contributions solicited on its behalf by another person or entity, in accordance with sections 2 to 9, inclusive, of this act and any other provision of the laws of this State governing the solicitation of charitable contributions.*~~

~~—(c) The corporation, or any director, trustee, officer or executive personnel of the corporation, has breached a fiduciary duty arising under law.~~

~~—2. The Secretary of State, when conducting an investigation pursuant to subsection 1, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation.~~

~~—3. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 2, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:~~

~~—(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or~~

~~—(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.~~

~~—4. If the Secretary of State finds that a corporation, or any director, trustee, officer or executive personnel of the corporation, has violated any provision of the laws of this State governing the solicitation of charitable contributions or any provision of the laws of this State imposing a fiduciary duty on the corporation or the director, trustee, officer or executive personnel of the corporation, the Secretary of State may issue an order requiring the corporation or the director, trustee, officer or executive personnel to take actions deemed appropriate by the Secretary of State to remedy the violation. If the corporation or the director, trustee, officer or executive personnel do not take the actions ordered by the Secretary of State, the Secretary of State may:~~

~~—(a) If the corporation is organized pursuant to this chapter, revoke the charter of the corporation. If the charter of the corporation is revoked pursuant to this paragraph, the corporation forfeits its right to transact business in this State.~~

~~—(b) If the corporation is a foreign nonprofit corporation, forfeit the right of the foreign nonprofit corporation to transact business in this State.~~

~~5. The Secretary of State may request the Attorney General to institute appropriate proceedings in a court of competent jurisdiction to secure compliance with the provisions of sections 2 to 9, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 6.5. 1. If the Secretary of State believes that a person has violated NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions, the Secretary of State shall notify the person in writing of the alleged violation.

2. The Secretary of State may refer an alleged violation of NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute proceedings in a court of competent jurisdiction to enforce NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions. The Attorney General may institute and prosecute the appropriate proceedings to enforce NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions.

3. In a proceeding instituted by the Attorney General pursuant to subsection 2, the Attorney General may seek an injunction or other equitable relief, and may recover a civil penalty of not more than \$1,000 for each violation. If the Attorney General prevails in such a proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

Sec. 7. The powers and duties of the Secretary of State and the Attorney General pursuant to sections 2 to 9, inclusive, of this act are in addition to other powers and duties of the Secretary of State and Attorney General with respect to corporations and charitable contributions.

~~Sec. 8. [In any suit or action brought in the name of the State of Nevada against a corporation, or a director, trustee or officer of a corporation, to enforce a fiduciary duty or any other duty arising under the laws of this State governing corporations or the laws of this State governing the solicitation of charitable contributions, if the State of Nevada prevails, the court shall award the State of Nevada court costs and attorney's fees. The costs awarded pursuant to this subsection may include, without limitation, reasonable investigative expenses and reasonable expert witness fees. In the discretion of the court, a judgment in a suit or action pursuant to this section may be a judgment against the responsible officers of the corporation.] (Deleted by amendment.)~~

Sec. 9. *The Secretary of State may adopt regulations to administer the provisions of sections 2 to 9, inclusive, of this act.*

Sec. 10. NRS 82.131 is hereby amended to read as follows:

82.131 Subject to such limitations, if any, as may be contained in its articles, *and except as otherwise provided in section 3 of this act*, every corporation may:

1. Borrow money and contract debts when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation, issue bonds, promissory notes, drafts, debentures and other obligations and evidences of indebtedness, payable at a specified time or times, or payable upon the happening of a specified event or events, whether secured by mortgage, pledge or other security, or unsecured, for money borrowed, or in payment for property purchased or acquired, or for any other lawful object.

2. Guarantee, purchase, hold, take, obtain, receive, subscribe for, own, use, dispose of, sell, exchange, lease, lend, assign, mortgage, pledge or otherwise acquire, transfer or deal in or with bonds or obligations of, or shares, securities or interests in or issued by any person, government, governmental agency or political subdivision of government, and exercise all the rights, powers and privileges of ownership of such an interest, including the right to vote, if any.

3. Issue certificates evidencing membership and issue identity cards.

4. Make donations for the public welfare or for community funds, hospital, charitable, educational, scientific, civil, religious or similar purposes.

5. Levy dues, assessments and fees.

6. Purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

7. Carry on a business for profit and apply any profit that results from the business to any activity in which it may lawfully engage.

8. Participate with others in any partnership, joint venture or other association, transaction or arrangement of any kind, whether or not participation involves sharing or delegation of control with or to others.

9. Act as trustee under any trust incidental to the principal objects of the corporation, and receive, hold, administer, exchange and expend funds and property subject to the trust.

10. Pay reasonable compensation to officers, directors and employees, pay pensions, retirement allowances and compensation for past services, and establish incentive or benefit plans, trusts and provisions for the benefit of its officers, directors, employees, agents and their families, dependents and

beneficiaries, and indemnify and buy insurance for a fiduciary of such a benefit or incentive plan, trust or provision.

11. Have one or more offices, and hold, purchase, mortgage and convey real and personal property in this State, and in any of the several states, territories, possessions and dependencies of the United States, the District of Columbia and any foreign countries.

12. Do everything necessary and proper for the accomplishment of the objects enumerated in its articles of incorporation, or necessary or incidental to the protection and benefit of the corporation, and, in general, to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation, whether or not the business is similar in nature to the objects set forth in the articles of incorporation of the corporation, except that:

(a) A corporation does not, by any implication or construction, possess the power of issuing bills, notes or other evidences of debt for circulation of money; and

(b) This chapter does not authorize the formation of banking corporations to issue or circulate money or currency within this State, or outside of this State, or at all, except the federal currency, or the notes of banks authorized under the laws of the United States.

Sec. 11. NRS 82.5231 is hereby amended to read as follows:

82.5231 ~~¶¶~~ *Except as otherwise provided in section 3 of this act, if a foreign nonprofit corporation has filed the initial or annual list in compliance with NRS 82.523 and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign nonprofit corporation constitutes a certificate authorizing it to transact its business within this State until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.*

Sec. 12. NRS 598.1305 is hereby amended to read as follows:

598.1305 1. *A person representing that he or she is conducting a solicitation for or on behalf of a charitable organization or nonprofit corporation shall disclose:*

(a) *The full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to section 3 of this act;*

(b) *The state or jurisdiction in which the charitable organization or nonprofit corporation was formed;*

(c) *The purpose of the charitable organization or nonprofit corporation; and*

(d) ~~Whether~~ *That the ~~charitable organization or nonprofit corporation~~ ~~is~~ contribution or donation may be tax ~~exempt~~ deductible pursuant to the provisions of section ~~501(c)(3)~~ 170(c) of the Internal Revenue Code ~~is~~ of*

- (1) Mail;
- (2) Commercial carrier;
- (3) Telephone, facsimile, *electronic mail* or other electronic device; or
- (4) A face-to-face meeting.

↪ The term includes solicitations which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State. *For the purposes of subsections 1 and 3, the term does not include solicitations which are directed only to a total of fewer than 15 persons or only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit corporation.*

Sec. 13. 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. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 166.

AN ACT relating to firearms; providing that certain persons who possess a permit to carry a concealed firearm may submit an application to renew the permit at any time before the permit expires; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a sheriff to conduct an investigation of an applicant for a permit to carry a concealed firearm, including an applicant who wishes to renew his or her permit, to determine the applicant's eligibility for a permit. Within 120 days after an applicant submits a complete application for a permit, the sheriff to whom the application is submitted must grant or deny the application. (NRS 202.366) **Section 1** of this bill provides that any person who possesses a valid permit that was issued on or before June 30, 2011, and who has not since renewed the permit may submit an application to renew the permit at any time before the permit expires. **Section 1 also provides that if such a person submits a complete application to renew the permit 180 days or more before the permit expires, the sheriff to whom the application is submitted must grant or deny the application within 180 days after the application is submitted.**

Section 2 of this bill provides that the amendatory provisions of this bill expire by limitation on June 30, 2016.

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

Section 1. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, including an application for the renewal of a permit pursuant to NRS 202.3677, the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The investigation also must include a report from the National Instant Criminal Background Check System. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. ~~Within~~ Except as otherwise provided in subsection 6, within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County.....	Permit Number.....
Expires.....	Date of Birth.....
Height.....	Weight.....
Name.....	Address.....
City.....	Zip.....
	Photograph
Signature.....	
Issued by.....	
Date of Issue.....	
Semiautomatic firearms authorized	Yes.....No
Revolvers authorized.....	Yes.....No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. *Any person who possesses a valid permit that was issued on or before June 30, 2011, and who has not since renewed the permit may submit an application for the renewal of the permit pursuant to NRS 202.3677 at any time before the date on which the permit expires.*

6. *If a person who meets the requirements set forth in subsection 5 submits a complete application for the renewal of a permit pursuant to NRS 202.3677 180 days or more before the date on which the permit expires, the sheriff to whom the application is submitted shall, within 180 days after the application is submitted, grant or deny the application in accordance with the provisions of this section.*

7. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on June 30, 2016.

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. 212.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 123.

AN ACT relating to correctional institutions; prohibiting the possession of portable telecommunications devices by certain prisoners; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the possession of portable telecommunications devices by prisoners in state institutions and facilities. (NRS 212.165) This bill extends that prohibition to include any prisoner in a jail, branch county jail or other local detention facility and provides that a prisoner who violates the prohibition is guilty of: (1) a category D felony if he or she was confined as a result of a ~~gross misdemeanor or a~~ felony; ~~for~~ (2) a gross misdemeanor if he or she was confined as a result of a gross misdemeanor; or (3) a misdemeanor if he or she was confined as a result of a misdemeanor.

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

Section 1. NRS 212.165 is hereby amended to read as follows:

212.165 1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. *A prisoner confined in a jail or any other place where such prisoners are authorized to be or are assigned by the sheriff, chief of police or other officer responsible for the operation of the jail, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection and who is in lawful custody or confinement for a charge, conviction or sentence for:*

(a) A ~~gross misdemeanor or~~ felony is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A gross misdemeanor is guilty of a gross misdemeanor.

(c) A misdemeanor is guilty of a misdemeanor.

5. A sentence imposed upon a prisoner pursuant to subsection 3 ~~[-] or 4:~~

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was in lawful custody or confinement when the prisoner violated the provisions of subsection 3 ~~[-]~~

~~5.] or 4.~~

6. As used in this section:

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

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

(c) “*Jail*” means a jail, branch county jail or other local detention facility.

(d) “Telecommunications device” has the meaning ascribed to it in subsection 3 of NRS 209.417.

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. 217.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 305.

SUMMARY—Revises provisions governing criminal background checks of **employees and** applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. (BDR 5-993)

AN ACT relating to protection of children; requiring the department of juvenile justice services of certain larger counties and agencies which provide child welfare services to obtain a background investigation of the criminal history of **employees and** applicants for employment; requiring such a department or agency to terminate or deny employment of certain persons based on the results of an investigation of the person’s criminal history; authorizing such a department or agency to terminate or deny employment if certain criminal charges are pending against an employee or applicant for employment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners has not established a department of juvenile justice services, the juvenile court must establish by court order a probation committee and must appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law requires certain types of facilities which provide residential services to children, including, without limitation, a public institution or agency to which a juvenile court commits a child, to obtain a background investigation of employees of the facilities. (NRS 62B.270, 424.031, 432A.170, 433B.183, 449.123) **Sections 2, 4 and 12** of this bill require a department of juvenile justice services in a county whose population is 700,000 or more (currently Clark County) and an agency which provides

child welfare services to obtain a background investigation of applicants for employment with , and employees of, the department or agency. **Sections 2, 4 and 12** further require such a department or agency to obtain a background investigation of each employee of the department or agency at least once every 5 years after the initial investigation. Under **sections 2, 4 and 12**, an applicant for employment or an employee required to submit to a background investigation must submit a complete set of his or her fingerprints to the department or agency and written authorization permitting the department or agency to obtain certain information concerning the background of the applicant or employee.

Sections 3, 5 and 13 of this bill: (1) require a department of juvenile justice services and an agency which provides child welfare services to deny employment to an applicant, or terminate the employment of an employee, who has been convicted of certain crimes or who has had a substantiated allegation of child abuse or neglect made against him or her; and (2) authorize a department of juvenile justice services and an agency which provides child welfare services to deny employment to an applicant, or terminate the employment of an employee, against whom certain criminal charges are pending. Under **sections 3, 5 and 13**, a department of juvenile justice services and an agency which provides child welfare services must provide an applicant for employment or an employee a certain period to correct any information that the applicant or employee believes to be incorrect. During the period in which an applicant or employee seeks to correct information, the applicant or employee **: (1) must not have contact with a child or the family or guardian of a child in the course of any duties as an employee of a department of juvenile justice services or an agency which provides child welfare services** ~~[-]~~ **; (2) may be placed on administrative leave without pay; and (3) may be subject to the internal disciplinary procedures of the department of juvenile justice services or the agency which provides child welfare services.**

Section ~~[14]~~ **15** of this bill provides that the provisions of this bill ~~[apply only to a person who,]~~ **become effective** on ~~[or after]~~ July 1, 2013, ~~[applies for employment with a department of juvenile justice services in a county whose population is 700,000 or more (currently Clark County) or an agency which provides child welfare services.]~~ **and, thus, apply to existing employees and applicants for employment beginning on that date.**

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

Section 1. Chapter 62G of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, ~~who is required to submit to an investigation pursuant to this section,~~ to determine:*

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any ~~felony~~ felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, ~~who is required to submit to an investigation pursuant to this section,~~ to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years ~~+~~ to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, ~~who is required to submit to an investigation pursuant to this section,~~ must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization 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; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 3. 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 2 of this act, the information received by the department of juvenile justice services pursuant to subsection 2 of section 2 of this act or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 2 of this act, the department of juvenile justice services may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 2 of this act, ~~and~~ has had a substantiated report of child abuse or neglect made against him or her ~~and~~ or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 2 of this act, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 2 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of section 2 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~shall~~ :

(a) Shall not have contact with a child or a relative or guardian of a child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

Sec. 4. 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, ~~who is required to submit to an investigation pursuant to this section,~~ to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any ~~felony~~ felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, ~~who is required to submit to an investigation pursuant to this section,~~ to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years ~~to ensure satisfactory clearance with that registry.~~

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, ~~who is required to submit to an investigation pursuant to this section,~~ must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization 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; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 5. 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 4 of this act, the information received by the department of juvenile justice services pursuant to subsection 2 of section 4 of this act or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 4 of this act, the department of juvenile justice services may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 4 of this act, ~~for~~ has had a substantiated report of child abuse or neglect made against him or her ~~for~~ or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 4 of this act, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 4 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. *If an applicant for employment or an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of section 4 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.*

4. *During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~shall~~ :*

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

5. *The provisions of subsection 4 must not be construed as preventing a department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.*

6. *A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.360.*

Sec. 6. NRS 62G.200 is hereby amended to read as follows:

62G.200 1. The provisions of NRS 62G.200 to 62G.240, inclusive, *and sections 2 and 3 of this act* apply only to a county:

- (a) Whose population is 700,000 or more; and
- (b) Which constitutes a judicial district.

2. If a department of juvenile justice services has been established by ordinance in a judicial district pursuant to NRS 62G.200 to 62G.240, inclusive, *and sections 2 and 3 of this act*, the provisions of NRS 62G.300 to 62G.370, inclusive, *and sections 4 and 5 of this act* do not apply to that judicial district for the period the ordinance is in effect.

Sec. 7. NRS 62G.300 is hereby amended to read as follows:

62G.300 The provisions of NRS 62G.300 to 62G.370, inclusive, *and sections 4 and 5 of this act* apply to a judicial district which includes a county whose population is 700,000 or more, if a department of juvenile justice services has not been established by ordinance pursuant to NRS 62G.200 to 62G.240, inclusive ~~[-]~~, *and sections 2 and 3 of this act*.

Sec. 8. NRS 62G.330 is hereby amended to read as follows:

62G.330 1. From a list of candidates recommended by the probation committee, the juvenile court shall appoint a director of the department of juvenile justice services.

2. The director of the department of juvenile justice services:

(a) Is directly responsible to the juvenile court and shall administer the functions of the juvenile court.

(b) Shall coordinate the services of and serve as liaison between the juvenile court and all agencies in the judicial district dealing with children, including, but not limited to:

- (1) The Division of Child and Family Services;
- (2) The public schools of the judicial district;
- (3) All law enforcement agencies of the judicial district;
- (4) The probation committee; and
- (5) All local facilities for the detention of children within the judicial district.

(c) May carry out preventive programs relating to juvenile delinquency.

3. ~~The~~ ***Except as otherwise provided in section 5 of this act, the*** director of the department of juvenile justice services serves at the pleasure of the juvenile court and is subject to removal or discharge by the juvenile court. ~~Before~~ ***Except as otherwise provided in section 5 of this act, before*** the juvenile court may remove or discharge the director of the department of juvenile justice services, the juvenile court shall provide to the director:

- (a) A written statement of the reasons for the removal or discharge; and
- (b) An opportunity to be heard before the juvenile court regarding the removal or discharge.

4. The director of the department of juvenile justice services is entitled to such staff or employees to assist in the performance of the duties of the director as is advised by the probation committee, approved by the juvenile court, and consented to by the board or boards of county commissioners.

5. With the advice of the probation committee and the consent of the board or boards of county commissioners of the county or counties, the juvenile court shall determine the salary of the director of the department of juvenile justice services.

Sec. 9. NRS 62G.360 is hereby amended to read as follows:

62G.360 1. Pursuant to the provisions of this section, the director of the department of juvenile justice services may demote or dismiss, only for cause, any probation officer, employee of the department of juvenile justice services or employee of a local facility for the detention of children.

2. Before the director of the department of juvenile justice services may demote a probation officer or employee, the director shall provide to the probation officer or employee:

- (a) A written statement of the reasons for the demotion; and
- (b) An opportunity to be heard before the director regarding the demotion.

3. Before the director of the department of juvenile justice services may dismiss a probation officer or employee with less than 12 months of service, the director shall provide to the probation officer or employee:

- (a) A written statement of the reasons for the dismissal; and
- (b) An opportunity to be heard before the director regarding the dismissal.

4. If a probation officer or employee with 12 months or more of service is dismissed pursuant to this section:

(a) Not later than 15 days after the dismissal, the probation officer or employee may request a written statement from the director of the department of juvenile justice services specifically setting forth the reasons for the dismissal. The director shall provide the written statement to the probation officer or employee not later than 15 days after the date of the request.

(b) Not later than 30 days after receipt of the written statement from the director, the probation officer or employee may make a written request for a public hearing before the probation committee. The probation committee shall adopt rules for the conduct of such public hearings.

(c) The probation officer or employee may appeal the decision of the probation committee to the board or boards of county commissioners.

5. *The provisions of this section do not apply to a dismissal required by section 5 of this act.*

Sec. 10. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so

notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123 ~~§~~ **and sections 2, 4 and 12 of this act;** or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➔ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central

Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

↪ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↪ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 424.031,

427A.735, 432A.170, 433B.183, 449.122 or 449.123 ~~[]~~ **or section 2, 4 or 12 of this act.**

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 11. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, ~~who is required to submit to an investigation pursuant to this section,~~ to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any ~~felony~~ felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) *Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).*

2. *An agency which provides child welfare services shall request information from:*

(a) *The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, ~~who is required to submit to an investigation pursuant to this section,~~ to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and*

(b) *The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years ~~+~~ to ensure satisfactory clearance with that registry.*

3. *Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, ~~who is required to submit to an investigation pursuant to this section,~~ must submit to the agency:*

(a) *A complete set of his or her fingerprints and written authorization 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; and*

(b) *Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.*

4. *An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.*

5. *When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.*

6. *An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.*

7. *As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.*

Sec. 13. 1. *If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection 5 of section 12 of this act, the information received by an agency which provides child welfare services pursuant to subsection 2 of section 12 of this act or evidence from any other source indicates that an applicant for employment with the agency, or an employee of the agency:*

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 12 of this act, the agency may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 12 of this act ~~or~~ has had a substantiated report of child abuse or neglect made against him or her ~~or~~ or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 12 of this act, the agency shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. *If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the agency which provides child welfare services pursuant to subsection 5 of section 12 of this act is incorrect, the applicant or employee must inform the agency immediately. An agency that provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.*

3. *If an applicant for employment or an employee believes that the information received by an agency which provides child welfare services pursuant to subsection 2 of section 12 of this act is incorrect, the applicant or employee must inform the agency immediately. An agency which provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.*

4. *During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~shall~~ :*

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the agency which provides child welfare services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing an agency which provides child welfare services from initiating internal disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

~~Sec. 14. [The provisions of this act apply only to a person who applies for employment with a department of juvenile justice services or an agency which provides child welfare services on or after July 1, 2013.] (Deleted by amendment.)~~

Sec. 15. This act becomes effective on July 1, 2013.

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

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:25 p.m.

Madam Speaker presiding.

Quorum present.

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. 240.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 216.

AN ACT relating to civil actions; revising provisions governing comparative negligence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in any action to recover damages for death or injury to persons or property where comparative negligence is asserted as a defense, the comparative negligence of the plaintiff or the plaintiff's decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties against whom recovery is sought. Where recovery is allowed against more than one defendant in such an action, except in certain cases, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant. (NRS 41.141) This bill clarifies that where recovery is allowed against more than one defendant, the liability of the defendants is joint and several, rather than several, unless

the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent.

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

Section 1. NRS 41.141 is hereby amended to read as follows:

41.141 1. In any action to recover damages for death or injury to persons or for injury to property in which *the trier of fact finds* comparative negligence ~~is asserted as a defense,~~ ***on the part of the plaintiff or the plaintiff's decedent,*** the comparative negligence of the plaintiff or the plaintiff's decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties to the action against whom recovery is sought.

2. In ~~those~~ cases ~~in~~ ***in which comparative negligence is asserted as a defense,*** the judge shall instruct the jury that:

(a) The plaintiff may not recover if the plaintiff's comparative negligence or that of the plaintiff's decedent is greater than the negligence of the defendant or the combined negligence of multiple defendants.

(b) If the jury determines the plaintiff is entitled to recover, it shall return:

(1) By general verdict the total amount of damages the plaintiff would be entitled to recover without regard to the plaintiff's comparative negligence; and

(2) A special verdict indicating the percentage of negligence attributable to each party remaining in the action.

3. If a defendant ~~in such an action~~ settles with the plaintiff before the entry of judgment, the comparative negligence of that defendant and the amount of the settlement must not thereafter be admitted into evidence nor considered by the jury. The judge shall deduct the amount of the settlement from the net sum otherwise recoverable by the plaintiff pursuant to the general and special verdicts.

4. Where recovery is allowed against more than one defendant in ~~such~~ an action ~~in~~ ***in which the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent,*** except as otherwise provided in subsection 5, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant.

5. This section does not affect the joint and several liability, if any, of the defendants in an action based upon:

- (a) Strict liability;
- (b) An intentional tort;
- (c) The emission, disposal or spillage of a toxic or hazardous substance;
- (d) The concerted acts of the defendants; or

(e) An injury to any person or property resulting from a product which is manufactured, distributed, sold or used in this State.

6. As used in this section:

(a) “Concerted acts of the defendants” does not include negligent acts committed by providers of health care while working together to provide treatment to a patient.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

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. 252.

Bill read second time.

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

Amendment No. 111.

AN ACT relating to administrative regulations; revising provisions governing the posting of certain notices concerning regulations by agencies; requiring regulations to be adopted within a certain period; requiring certain information to be included on the informational statement submitted with an adopted regulation; making various other changes to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada Administrative Procedure Act is set forth in existing law to establish the procedures for agencies of the Executive Branch of the State Government to promulgate administrative regulations. (Chapter 233B of NRS) **Section 1** of this bill requires an agency to submit a notice of any meeting or workshop relating to the adoption of a regulation to the Director of the Legislative Counsel Bureau at the same time that the agency posts notice of the meeting or workshop for posting on the Internet website maintained by the Legislative Counsel Bureau. **Section 2** of this bill ~~provides that~~ **requires an agency to adopt** a regulation ~~will be deemed withdrawn if the agency has not adopted the regulation~~ within 2 years after submitting the regulation to the Legislative Counsel. ~~Unless the agency has petitioned and received approval for an extension from the Legislative Commission.~~ **If the regulation is not adopted within that time, section 2 requires that the executive head of the agency appear personally before the Legislative Commission to explain the reason for the failure.** **Section 3** of this bill revises the requirements for the informational statement which is

submitted under existing law with the adopted regulation by requiring the agency to include an explanation of the need for the regulation.

Existing law provides that the Legislative Commission or the Subcommittee to Review Regulations may object to a regulation: (1) if it is determined that the regulation is not required by federal law if it is adopted for that purpose; (2) if the regulation does not conform to statutory authority; or (3) if the regulation does not carry out legislative intent. **Section 4** of this bill further allows an objection to be made to a regulation if the agency did not provide a satisfactory explanation of the need for the regulation or if the informational statement is insufficient or incomplete. If an objection is raised, under existing law, the regulation is returned to the agency. (NRS 233B.067)

Section 5 of this bill makes the provisions of this bill applicable retroactively to any regulation which has been proposed but not adopted before July 1, 2013, and to any regulation adopted 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 233B of NRS is hereby amended by adding thereto a new section to read as follows:

At the same time that an agency provides notice of any meeting or workshop relating to the adoption of a proposed regulation pursuant to this chapter or NRS 241.020, the agency shall submit an electronic copy of the notice to the Director of the Legislative Counsel Bureau. The Director shall cause the notice to be posted on the same day on the Internet website maintained by the Legislative Counsel Bureau.

Sec. 2. NRS 233B.040 is hereby amended to read as follows:

233B.040 1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:

- (a) The Nevada Administrative Code; and
- (b) Temporary and emergency regulations.

↪ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

2. Every regulation adopted by an agency must include:

- (a) A citation of the authority pursuant to which it, or any part of it, was adopted; and

(b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library and Archives Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

↪ An agency shall not attempt to incorporate any other material in a regulation by reference.

4. ~~Except as otherwise provided in this subsection, an~~ ***An agency shall adopt a proposed regulation not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If an agency does not adopt a proposed regulation within the time prescribed by this subsection, ~~the regulation shall be deemed withdrawn unless, before the expiration of 2 years, the agency petitions the Legislative Commission for and receives an extension of time by which to adopt the proposed regulation.~~ the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted.***

Sec. 3. NRS 233B.066 is hereby amended to read as follows:

233B.066 1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:

(a) ***A clear and concise explanation of the need for the adopted regulation.***

(b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.

~~[(b)]~~ (c) The number of persons who:

- (1) Attended each hearing;
- (2) Testified at each hearing; and
- (3) Submitted to the agency written statements.

~~[(c)]~~ (d) For each person identified in subparagraphs (2) and (3) of paragraph ~~[(b)]~~ (c), the following information if provided to the agency conducting the hearing:

- (1) Name;
- (2) Telephone number;
- (3) Business address;
- (4) Business telephone number;
- (5) Electronic mail address; and
- (6) Name of entity or organization represented.

~~[(d)]~~ (e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

~~[(e)]~~ (f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

~~[(f)]~~ (g) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

- (1) Both adverse and beneficial effects; and
- (2) Both immediate and long-term effects.

~~[(g)]~~ (h) The estimated cost to the agency for enforcement of the proposed regulation.

~~[(h)]~~ (i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

~~[(i)]~~ (j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

~~[(j)]~~ (k) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

2. The requirements of paragraphs ~~[(a)]~~ (b) to ~~[(e)]~~ (f), inclusive, of subsection 1 do not apply to emergency regulations.

Sec. 4. NRS 233B.067 is hereby amended to read as follows:

233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether *to approve* the regulation . ~~[conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.]~~ The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative

Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,

↳ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. Except as otherwise provided in subsection 4, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.

4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.

5. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred, approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission or Subcommittee objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority; ~~{or}~~

(c) The regulation does not carry out legislative intent ~~{or}~~; *or*

(d) The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete,

↳ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.

6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review

Regulations consisting of at least three members or alternate members of the Legislative Commission.

Sec. 5. The provisions of this act apply to:

1. Any proposed regulation of an agency which was submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063 before, on or after July 1, 2013, and which has not been adopted as of July 1, 2013; and

2. Any regulation adopted on or after July 1, 2013.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 277.

Bill read second time.

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

Amendment No. 143.

AN ACT relating to dental hygienists; ~~imposing certain responsibilities and duties on~~ **exempting** certain ~~dental hygienists who own or operate~~ programs that provide public health dental hygiene ~~from requirements relating to supervision by a licensed dentist;~~ **from requirements relating to supervision by a licensed dentist;** authorizing dental hygienists who are authorized to practice public health dental hygiene to perform ~~certain~~ procedures without the **authorization or** supervision ~~for approval~~ of a licensed dentist ~~as specified by regulations adopted by the Board of Dental Examiners of Nevada;~~ **as specified by regulations adopted by the Board of Dental Examiners of Nevada;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a dental hygienist to obtain from the Board of Dental Examiners of Nevada a special endorsement of the dental hygienist's license that authorizes the dental hygienist to practice public health dental hygiene. A dental hygienist with such a special endorsement may perform such services for the promotion of public health dental hygiene as deemed appropriate by the State Dental Health Officer. (NRS 631.287) ~~Sections 2-4 of this bill authorize a dental hygienist with a special endorsement to practice public health dental hygiene to perform a variety of services without the approval or supervision of a licensed dentist.~~ **Existing law further provides that an entity which owns or operates certain dental offices or clinics must designate an actively licensed dentist as the dental director to supervise the dental office or clinic. (NRS 631.3452)**

Section 1 of this bill ~~[imposes certain responsibilities and duties on a dental hygienist who has a special endorsement of his or her license to practice public health dental hygiene and who owns or operates]~~ **exempts** a program that provides public health dental hygiene ~~[]~~ **from the provisions requiring the designation of a licensed dentist as the dental director if: (1) the program is owned or operated by a dental hygienist who holds a special endorsement of his or her license to practice public health dental hygiene; and (2) each dental hygienist employed to provide public health dental hygiene pursuant to the program holds a special endorsement of his or her license to practice public health dental hygiene. Section 3 of this bill provides for the biennial renewal of such a special endorsement and authorizes a dental hygienist who holds such a special endorsement to provide services without the authorization or supervision of a dentist as specified by regulations adopted by the Board.**

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Any]~~ **The provisions of NRS 631.3452 requiring the designation of an actively licensed dentist as a dental director do not apply to a program for the provision of public health dental hygiene if:**

1. The program is owned or operated by a dental hygienist who holds a special endorsement of his or her license ~~[following him or her]~~ to practice public health dental hygiene pursuant to NRS 631.287 ~~[and who owns or operates a program that provides public health dental hygiene.~~

~~— 1. Is responsible for the clinical practice of public health dental hygiene provided pursuant to the program, including, without limitation:~~

~~— (a) The overall quality of patient care that is rendered or performed pursuant to the program.~~

~~— (b) Supervising dental hygienists, dental assistants and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by regulations adopted by the Board.~~

~~— (c) Providing to a patient receiving services pursuant to the program a referral for any treatment or service which is appropriate for the patient and which a dental hygienist with a special endorsement of his or her license is not authorized to perform pursuant to subsection 2 of NRS 631.287.~~

~~(d) Retaining patient dental records as required by regulations adopted by the Board.~~

~~2. Shall maintain current records of the names of dental hygienists who hold special endorsements of their licenses to practice public health dental hygiene pursuant to NRS 631.287 and who supervise the clinical activities of dental hygienists, dental assistants and other personnel involved in direct patient care provided pursuant to the program. The records must be available to the Board upon written request.]; and~~

2. Each dental hygienist employed to provide public health dental hygiene pursuant to the program holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287.

Sec. 2. ~~[NRS 631.215 is hereby amended to read as follows:~~

~~631.215 1. Any person shall be deemed to be practicing dentistry who:~~

~~(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;~~

~~(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;~~

~~(c) Diagnoses, professes to diagnose or treats or professes to treat any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;~~

~~(d) Extracts teeth;~~

~~(e) Corrects malpositions of the teeth or jaws;~~

~~(f) [Takes] *Except as otherwise provided in NRS 631.287, takes* impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;~~

~~(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;~~

~~(h) Places in the mouth and adjusts or alters artificial teeth;~~

~~(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;~~

~~(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;~~

~~(k) [Uses] *Except as otherwise provided in NRS 631.287, uses* X ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;~~

~~(l) Determines:~~

~~(1) Whether a particular treatment is necessary or advisable; or~~

~~(2) Which particular treatment is necessary or advisable; or~~

~~(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:~~

~~— (1) Dispensing or using a product that may be purchased over the counter for a person's own use; or~~

~~— (2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.~~

~~— 2. Nothing in this section:~~

~~— (a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X ray exposures or using X ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.~~

~~— (b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.~~

~~— (c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.~~

~~— (d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.~~

~~— (e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.~~

~~— (f) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:~~

~~— (1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. 254b or 254e.~~

~~— (2) A federally qualified health center as defined in 42 U.S.C. 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.~~

~~— (3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.~~

~~— (g) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:~~

~~— (1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;~~

~~(2) The dentist treats the patient only during a course of continuing education involving live patients which:~~

~~(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and~~

~~(II) Meets all applicable requirements for approval as a course of continuing education; and~~

~~(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.~~

~~(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:~~

~~(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or~~

~~(2) Exercise any authority or control over the clinical practice of dentistry.~~

~~3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:~~

~~(a) Exert authority or control over the clinical judgment of a licensed dentist; or~~

~~(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.~~

~~* Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity. (Deleted by amendment.)~~

Sec. 3. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene . ~~[pursuant to subsection 2.]~~ *The special endorsement [is valid for as long as the person is licensed as a dental hygienist in this State.] may be renewed biennially upon the renewal of the license of the dental hygienist.*

2. ~~[The State Dental Health Officer may authorize a person]~~ *A dental hygienist* who holds a special endorsement issued pursuant to subsection 1

[to provide or cause to be provided such services for the promotion of public health dental hygiene as the State Dental Health Officer deems appropriate. Such services:] ~~may~~ ~~≠~~

~~— (a) Remove stains, deposits and accretions, including dental calculus.~~

~~— (b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, “oral prophylaxis” means the preventive dental procedure of sealing and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces to create an environment in which hard and soft tissues can be maintained in good health by the patient.~~

~~— (c) Provide dental hygiene care that includes:~~

~~— (1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.~~

~~— (2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients.~~

~~— (3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan to identify the subsequent treatment, continued care and referral needs of the patient.~~

~~— (d) Take the following types of impressions:~~

~~— (1) Those used for the preparation of diagnostic models;~~

~~— (2) Those used for the fabrication of temporary crowns or bridges; and~~

~~— (3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.~~

~~— (e) Perform subgingival curettage.~~

~~— (f) Expose radiographs.~~

~~— (g) Place and remove a periodontal pack.~~

~~— (h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.~~

~~— (i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.~~

~~— (j) Recement and repair temporary crowns and bridges.~~

~~— (k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.~~

~~— (l) Place a temporary restoration with nonpermanent material as a palliative treatment.~~

~~— (m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:~~

- ~~(1) Antimicrobial agents;~~
- ~~(2) Fluoride preparations;~~
- ~~(3) Topical antibiotics;~~
- ~~(4) Topical anesthetics; and~~
- ~~(5) Topical desensitizing agents;~~
- ~~(n) Apply pit and fissure sealant to the dentition for the prevention of decay.~~
- ~~3. The services authorized by subsection 2:~~
 - ~~(a) May be provided without supervision or approval by a licensed dentist at] [schools, community centers, hospitals, nursing homes and such other locations] [any];~~
 - ~~(1) School.~~
 - ~~(2) Community center.~~
 - ~~(3) Hospital.~~
 - ~~(4) Nursing home.~~
 - ~~(5) Other location as the] [State Dental Health Officer] [Board deems appropriate.~~
 - ~~(b) May not be provided at a dental office that is not operated by a public or nonprofit entity.] provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.~~

Sec. 4. [NRS 631.310 is hereby amended to read as follows:

- ~~631.310 1. Except as otherwise provided in NRS 631.271 and 631.287, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:~~
 - ~~(a) In the office of any licensed dentist.~~
 - ~~(b) In a clinic or in clinics in the public schools of this State as an employee of the Health Division of the Department of Health and Human Services.~~
 - ~~(c) In a clinic or in clinics in a state institution as an employee of the institution.~~
 - ~~(d) In a clinic established by a hospital approved by the Board as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.~~
 - ~~(e) In an accredited school of dental hygiene.~~
 - ~~(f) In other places if specified in a regulation adopted by the Board.~~
- ~~2. [A] Except as otherwise provided in NRS 631.287, a dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the Board.~~
- ~~3. Except as otherwise provided in NRS 631.287 or specifically authorized by a regulation adopted by the Board, a dental hygienist shall not~~

~~provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.] (Deleted by amendment.)~~

Sec. 4.5. NRS 631.3452 is hereby amended to read as follows:

631.3452 ~~Am]~~ ***Except as otherwise provided in section 1 of this act, an*** entity that owns or operates a dental office or clinic as described in paragraph (f) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental assistants and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the Board.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care. The records must be available to the Board upon written request.

Sec. 5. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 300.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 164.

JOINT SPONSOR: SENATOR ROBERSON

AN ACT relating to real property; revising provisions governing the affidavit of authority to exercise the power of sale under a deed of trust which must be included with a notice of default and election to sell; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit based on the personal knowledge of the affiant setting forth certain information concerning the deed of trust, the amounts due, the possession of the note secured by the deed of trust and the authority to foreclose. (NRS 107.080) ~~[This]~~ **Section 1 of this bill** provides that certain information provided in the affidavit may be based on: (1) the information obtained by the affiant's review of the business records of the beneficiary of the deed of trust; and (2) the information contained in the records of the recorder of the county in which the property is located or the title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State. ~~[This bill]~~ **Section 1** also revises the information required to be stated in the affidavit. **Under sections 2 and 3 of this bill, the amendatory provisions of this bill become effective upon passage and approval and apply to a notice of default and election to sell recorded on or after the effective date of this bill.**

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

Section 1. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;
or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale . ~~[stating, based on personal knowledge and]~~ ***Except as otherwise provided in subparagraph (6), the affidavit required by this paragraph must state under the penalty of perjury [;] the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:***

(1) The full name and business address of the ***current*** trustee or the ***current*** trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the ~~[servicer]~~ ***current servicer*** of the obligation or debt secured by the deed of trust . ~~[;]~~

(2) ~~[The full name and last known business address of every prior known beneficiary of the deed of trust;~~

~~—(3)]~~ That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust ~~[;~~

~~—(4) That]~~ ***or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, a beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust if the beneficiary or its successor in interest or the trustee is:***

(I) The holder of the instrument constituting the obligation or debt;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee ~~has the authority~~ to exercise the power of sale with respect to the property . ~~[pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;~~

~~—(5) The~~

(4) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, void the exercise of the power of sale and reinstate the underlying obligation or debt, as of the date of the statement;

(II) The amount in default ~~[, the]~~;

(III) The principal amount of the obligation or debt secured by the deed of trust ~~[, a]~~;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed ~~[and to be imposed because of the default and the costs and fees charged to the debtor]~~ in connection with the exercise of the power of sale; and

~~[(6)]~~ *(VI) Contact information for obtaining the most current amounts due and the toll-free telephone number described in subparagraph (5).*

(5) A toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive answers to any questions concerning the information contained in the affidavit.

(6) The date ~~[,]~~ and the recordation number or other unique designation of ~~[the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.]~~, and the name of each assignee under, each recorded assignment of the deed of the trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of

trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

↪ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or

by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

↪ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule or for any other purpose authorized by the Legislature.

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the

organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 2. The amendatory provisions of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by this act, on or after ~~October 1, 2013,~~ **the effective date of this act.**

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

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

Amendment No. 183.

AN ACT relating to public employees; increasing the maximum period during which certain public officers and employees **of the State** who are active members of the military must be relieved from their duties to serve under orders without loss of compensation; ~~authorizing certain members of the Public Employees' Retirement System to purchase service credit under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 1 of this~~ **This** bill increases, from not more than 15 working days to not more than 39 working days in a calendar year, the period during which certain public officers and employees of the State who are active members of the military must be relieved from their duties as public officers and employees to serve under orders without loss of compensation.

~~Section 2 of this bill authorizes such public officers and employees who are members of the Public Employees' Retirement System to purchase service credit under certain circumstances.~~

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

Section 1. NRS 281.145 is hereby amended to read as follows:

281.145 ~~Any~~

1. Except as otherwise provided in subsection 2, any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, to serve under orders without loss of the officer's or employee's regular compensation for a period of not more than 15 working days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law.

2. Any public officer or employee of the ~~Department of Corrections or the Department of Public Safety~~ **State or any agency thereof whose work schedule includes Saturday or Sunday and who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, to serve under orders without loss of the officer's or employee's regular compensation for a period of not more than 39 working**

days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law.

Sec. 2. ~~NRS 286.300 is hereby amended to read as follows:~~

~~286.300 Except as otherwise required as a result of NRS 286.537:~~

~~1. Any member of the System may, except as otherwise provided in subsection [5.] 6, purchase all previous creditable service performed with the member's present employing agency if that service was performed before the enrollment of the member's agency in the System, even if the service is still creditable in some other system where it cannot be cancelled. The public employer must certify the inclusive dates of employment and number of hours regularly worked by the member to validate the service. The member must pay the full actuarial cost as determined by the actuary.~~

~~2. In addition to the purchases authorized pursuant to the provisions of subsections 1, [and] 3 [,] and 4, any member who has 5 years of creditable service may, except as otherwise provided in subsection [5.] 6, purchase up to 5 years of service. The member must pay the full actuarial cost of the service as determined by an actuary of the System.~~

~~3. In addition to the purchases authorized pursuant to the provisions of subsections 1, [and] 2 and 4, and in addition to any free credit received pursuant to NRS 286.303 and 286.479, any member who has 5 years of creditable service, served on active military duty during the period beginning on the date proclaimed by the President of the United States as the date on which Operation Desert Storm, Operation Enduring Freedom or Operation Iraqi Freedom began and was honorably discharged or released from active duty may, except as otherwise provided in subsection [5.] 6, purchase a number of months of service equal to the number of full months the member served on active military duty, but in no case may the service purchased pursuant to this subsection exceed 3 years. The member must pay the full actuarial cost of the service as determined by an actuary of the System.~~

~~4. In addition to the purchases authorized pursuant to the provisions of subsections 1, 2 and 3, any member who, on or after October 1, 2013:~~

~~(a) Has 5 years of creditable service;~~

~~(b) Serves military duty under orders without loss of regular compensation as described in subsection 2 of NRS 281.145; and~~

~~(c) Loses regular compensation by serving such duty in excess of the period described in subsection 2 of NRS 281.145,~~

~~may, except as otherwise provided in subsection 6, purchase service credit not to exceed 11 days or the number of days of regular compensation lost in any 1 calendar year, whichever is less. The member must pay the full actuarial cost of the service as determined by an actuary of the System.~~

~~5. In addition to the purchases authorized pursuant to the provisions of subsections 1, [and] 3 [,] and 4, any member who:~~

~~(a) Is a licensed teacher;~~
~~(b) Has 5 years of creditable service;~~
~~(c) Is, pursuant to statute, regulation or contract, entitled to payment for unused sick leave; and~~
~~(d) Is employed by the board of trustees of a school district that has, pursuant to subsection 5 of NRS 391.180, provided for the payment of unused sick leave in the form of purchase of service;~~
~~may, except as otherwise provided in subsection [5.] 6, cause to be purchased on the member's behalf service credit, not to exceed the number of hours of unused sick leave or 1 year, whichever is less. The full actuarial cost of the service as determined by an actuary of the System must be paid for such a purchase. Any service credit purchased pursuant to this subsection must be included as a part of, and is not in addition to, service purchased pursuant to subsection 2.~~
~~[5.] 6. A person who becomes a member of the System for the first time on or after January 1, 2000, may, on or after July 1, 2001, purchase creditable service pursuant to subsection 1, 2, [or] 3 [.] or 4, or cause to be purchased on the person's behalf service credit pursuant to subsection [4.] 5, only if, at the time of the purchase, the person is employed by a participating public employer in a position eligible for membership in the System.~~
~~[6.] 7. Any member of the System may use:~~
~~(a) All or any portion of the balance of the member's interest in a qualified trust pursuant to section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a); or~~
~~(b) The money contained in an individual retirement account or an individual retirement annuity of a member, the entire amount of which is:~~
~~(1) Attributable to a qualified distribution from a qualified trust pursuant to section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a); and~~
~~(2) Qualified as an eligible rollover distribution pursuant to section 402 of the Internal Revenue Code, 26 U.S.C. 402,~~
~~to purchase creditable service pursuant to subsection 1, 2, [or] 3 [.] or 4.~~
~~[7.] 8. A member of the System who purchases creditable service pursuant to subsection 1, 2, [or] 3 or 4 is entitled to receive a refund of any contributions paid toward the purchase of the service only if the member is no longer in the employ of a participating public employer.~~
~~[8.] 9. If a member of the System enters into an agreement whereby the member agrees to pay for the purchase of service credit in installments and the member defaults on that agreement, the member is entitled to receive service credit in the proportion that the principal paid bears to the principal due under the agreement. **(Deleted by amendment.)**~~

Sec. 3. ~~[NRS 391.180 is hereby amended to read as follows:~~

~~— 391.180 — 1. As used in this section, “employee” means any employee of a school district or charter school in this State.~~

~~— 2. A school month in any public school in this State consists of 4 weeks of 5 days each.~~

~~— 3. Nothing contained in this section prohibits the payment of employees’ compensation in 12 equal monthly payments for 9 or more months’ work.~~

~~— 4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.~~

~~— 5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection [4] 5 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.~~

~~— 6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee’s former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:~~

~~— (a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and~~

~~— (b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.~~

~~— 7. Subject to the provisions of subsection 8:~~

~~— (a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.~~

~~— (b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.~~

~~— 8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.~~

~~— 9. If any subject referred to in this section is included in an agreement or contract negotiated by:~~

~~— (a) The board of trustees of a school district pursuant to chapter 288 of NRS; or~~

~~— (b) The governing body of a charter school pursuant to NRS 386.595, the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.] **(Deleted by amendment.)**~~

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. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 124.

AN ACT relating to interpreters; revising certain provisions relating to court interpreters; requiring that interpreters be appointed in **certain** judicial proceedings where a person with a language barrier is a witness, defendant or litigant; ~~requiring that an interpreter be provided upon the arrest of a person with a language barrier before any interrogation or the taking of a statement;]~~ **requiring the Advisory Commission on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning**

language access in the courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Court Administrator to adopt regulations which, subject to the availability of funding, establish a program for the certification of court interpreters. (NRS 1.510) **Sections 1 and 2** of this bill require **and authorize** the Court Administrator to adopt regulations which, subject to the availability of funding, establish criteria and procedures for the appointment of alternate court interpreters under certain circumstances. **Sections 4-6, ~~7-8~~ and ~~9~~** of this bill require a certified court interpreter or an alternate court interpreter to be provided in various judicial proceedings for a person with a language barrier. A person with a language barrier is defined in this bill as a person who speaks a language other than English and who cannot readily understand or communicate in the English language. ~~[Section 7 of this bill revises existing law concerning the interrogation or the taking of a statement of certain persons to provide that an interpreter be made available to a person with a language barrier before any such interrogation or taking of a statement.]~~ **Section 10 of this bill requires the Advisory Commission on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning language access in the courts.**

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

Section 1. NRS 1.510 is hereby amended to read as follows:

1.510 1. The Court Administrator shall, in consultation with the committee established pursuant to NRS 1.530, adopt regulations which, subject to the availability of funding, establish ~~fa~~:

(a) A program for the certification of court interpreters for *persons with language barriers who are* witnesses, defendants and litigants ~~[who speak a language other than English and do not know the English language.]~~; and

(b) *Criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants.*

2. The regulations *established pursuant to paragraph (a) of subsection 1* must set forth:

(a) The specific languages for which court interpreters may obtain certification, based upon the need for interpreters of those languages.

(b) Any examination and the qualifications which are required for:

(1) Certification; and

(2) Renewal of the certification.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate.

(d) The circumstances under which the Court Administrator will take disciplinary action against a *certified* court interpreter ~~[]~~ **or an alternate court interpreter.**

(e) The circumstances under which a court ~~[must require the services of]~~ **may appoint an alternate court interpreter.** ~~[who is certified.]~~

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified court interpreter ~~[]~~ **or an alternate court interpreter.**

3. An application for a certificate as a court interpreter *pursuant to paragraph (a) of subsection 1* must include the social security number of the applicant.

4. Except as otherwise provided by a specific regulation of the Court Administrator, it is grounds for disciplinary action for a certified court interpreter *or an alternate court interpreter* to act as interpreter in any action in which:

- (a) The spouse of the court interpreter is a party;
- (b) A party or witness is otherwise related to the court interpreter;
- (c) The court interpreter is biased for or against one of the parties; or
- (d) The court interpreter otherwise has an interest in the outcome of the proceeding.

5. *The criteria and procedures established pursuant to paragraph (b) of subsection 1 must set forth an order of preference, subject to the direction of a court for the appointment of a certified court interpreter before an alternate court interpreter.*

6. *As used in this section, "person with a language barrier" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.*

Sec. 2. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. In consultation with the committee established pursuant to NRS 1.530, adopt any regulations necessary to ~~[carry]~~ :

(a) *Carry* out a program for the certification of court interpreters.

(b) *Establish criteria and procedures for the appointment of alternate court interpreters.*

2. Impose on a certified court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a regulation of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 3. NRS 47.020 is hereby amended to read as follows:

47.020 1. This title governs proceedings in the courts of this State and before magistrates, except:

(a) To the extent to which its provisions are relaxed by a statute or procedural rule applicable to the specific situation; and

(b) As otherwise provided in subsection 3.

2. Except as otherwise provided in subsection 1, the provisions of chapter 49 of NRS with respect to privileges apply at all stages of all proceedings.

3. The other provisions of this title, *except with respect to provisions concerning a person with a language barrier*, do not apply to:

(a) Issuance of warrants for arrest, criminal summonses and search warrants.

(b) Proceedings with respect to release on bail.

(c) Sentencing, granting or revoking probation.

(d) Proceedings for extradition.

4. *As used in this section, "person with a language barrier" has the meaning ascribed to it in NRS 1.510.*

Sec. 4. Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An interpreter must be appointed at public expense for a person with a language barrier who is a defendant or a witness in a criminal proceeding.*

2. *As used in this section:*

(a) *"Interpreter" means a person who:*

(1) *Has a certificate as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520; or*

(2) *Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.*

(b) *"Person with a language barrier" has the meaning ascribed to it in NRS 1.510.*

Sec. 5. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a regulation of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

(a) The spouse of a witness;

(b) Otherwise related to a witness;

(c) Biased for or against one of the parties; or

(d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, translate accurately to the ~~[witness,]~~ *person with a language barrier* in the language of the ~~[witness,]~~ *person*, questions and statements addressed to the ~~[witness,]~~ *person*;

(b) Make a true interpretation of the statements of the ~~[witness]~~ *person with a language barrier* in an understandable manner; and

(c) Repeat the statements of the ~~[witness]~~ *person with a language barrier* in the English language to the best of his or her ability.

~~3.~~ ~~2.~~ While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the ~~[witness]~~ *person with a language barrier*, including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the ~~[witness]~~ *person with a language barrier*.

~~4.~~ ~~3.~~ *If an interpreter appointed for a person with a language barrier is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.*

~~4.~~ ~~5.~~ *Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.*

~~5.~~ ~~If the judicial proceeding is civil in nature, the reasonable fees of an interpreter must be paid by the requesting party.~~

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

(a) *“Interpreter”* means a person who ~~[is readily able to communicate with a person who speaks a language other than English and does not know the English language, translate the proceedings for him or her and accurately repeat and translate the statements of the person in a language other than English to the court, magistrate or other person presiding. The term does not include an interpreter for a person with a communications disability as that term is defined in NRS 50.050.]~~ :

(1) *Has a certificate as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520; or*

(2) *Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.*

(b) *“Person with a language barrier” has the meaning ascribed to it in NRS 1.510.*

Sec. 6. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The juvenile court shall appoint at public expense an interpreter for a person with a language barrier in all proceedings conducted pursuant to the provisions of this title if the person with a language barrier is:*

(a) *The child who is alleged to be or has been adjudicated delinquent or in need of supervision;*

(b) *A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or*

(c) *A person who appears as a witness.*

2. *As used in this section:*

(a) *“Interpreter” means a person who:*

(1) *Has a certificate as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520; or*

(2) *Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.*

(b) *“Person with a language barrier” has the meaning ascribed to it in NRS 1.510.*

Sec. 7. ~~[NRS 171.1536 is hereby amended to read as follows:~~

~~171.1536 Upon the arrest of a person with a communications disability, as defined in NRS 50.050, or a person with a language barrier, as defined in NRS 1.510, and before any interrogation or the taking of a statement, the peace officer in actual charge of the station, headquarters or other facility to which the person with a communications disability or person with a language barrier has been brought shall make an interpreter available at public expense to that person in accordance with the provisions of NRS 50.050 to 50.053, inclusive [.] , or 50.054 and section 4 of this act, as applicable.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 213.055 is hereby amended to read as follows:~~

~~213.055 An applicant or a witness at a hearing upon an application for clemency who is a person with a communications disability, as defined in NRS 50.050, or a person with a language barrier, as defined in NRS 1.510, is entitled to the services of an interpreter at public expense in accordance with the provisions of NRS 50.050 to 50.053, inclusive [.] , or 50.054 and section 4 of this act, as applicable. The interpreter must be appointed by the Governor or a member of the Board designated by the Governor.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 213.128 is hereby amended to read as follows:~~

~~213.128 A prisoner, parolee or a witness at the hearing of a case who is a person with a communications disability, as defined in NRS 50.050, or is a person with a language barrier, as defined in NRS 1.510, is entitled to the services of an interpreter at public expense in accordance with the provisions of NRS 50.050 to 50.053, inclusive, or 50.054 and section 4 of this act, as applicable. The interpreter must be appointed by the Chair of the Board or other person who presides at the hearing.] (Deleted by amendment.)~~

Sec. 10. 1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall appoint a subcommittee

to conduct an interim study concerning language access in the courts of the State of Nevada, and make a report thereof.

2. The study and report must include, without limitation:

(a) An evaluation of:

(1) The current system used in this State to provide court interpreters in criminal and civil proceedings;

(2) The systems used in other states to provide court interpreters in criminal and civil proceedings; and

(3) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.

(b) Recommendations regarding, without limitation:

(1) Necessary statutory changes to facilitate language access in the courts;

(2) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(3) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

3. The subcommittee shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 78th Session of the Nevada Legislature and the Supreme Court.

~~{Sec. 10.}~~ *Sec. 11.* 1. This act becomes effective on July 1, 2013.

2. Section 1 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

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. 366.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 125.

AN ACT relating to nonprofit corporations; revising certain provisions governing nonprofit cooperative corporations; revising certain provisions governing mergers, conversions and exchanges of nonprofit cooperative corporations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a nonprofit cooperative corporation from paying dividends on stock or membership certificates in excess of 8 percent annually. Existing law also prohibits such corporations from dealing in the products of nonmembers in amounts greater in value than it handles for its members. (NRS 81.020) **Section 1** of this bill provides that a nonprofit cooperative corporation may distribute surplus funds and may issue refunds to its members in accordance with its articles of incorporation. **Section 1** revises existing law to authorize a nonprofit cooperative corporation to deal in the products of nonmembers in amounts greater in value than it handles for its members, if not prohibited by its articles of incorporation.

Existing law requires that the name of a nonprofit cooperative corporation be included in its articles of incorporation. (NRS 81.040) **Section 2** of this bill requires that the name of a such a corporation contain the word "Cooperative," the word "Co-op" or the abbreviation "N.C.C."

Existing law requires a majority vote by the members of a nonprofit cooperative corporation to adopt the initial code of bylaws of the nonprofit cooperative corporation. The authority to amend such bylaws is conferred upon the members or may, under certain circumstances, be conferred upon the directors. (NRS 81.080) **Section 3** of this bill : **(1) authorizes the initial code of bylaws to be adopted by a majority vote of either the members or the directors of the nonprofit cooperative corporation; (2) provides that the authority to amend the bylaws is conferred on the group of persons who adopted the initial code of bylaws but may, under certain circumstances, be conferred upon the other group of persons; and (3) revises the number of votes required to ~~transfer~~ adopt a resolution transferring that authority ~~to the board of directors~~ from a two-thirds vote to a majority vote.**

Existing law establishes procedures for mergers, conversions and exchanges involving various entities, including nonprofit cooperative corporations which, for the purposes of those procedures, fall within the definition of the term "domestic corporation." Under existing law, the board of directors of a domestic corporation, including a nonprofit cooperative corporation, is prohibited from adopting a plan of merger, conversion or exchange without the approval of its stockholders under certain circumstances. (Chapter 92A of NRS) **Sections 4-11** of this bill: (1) remove nonprofit cooperative corporations from the definition of the term "domestic

corporation”; (2) provide that a plan of merger, conversion or exchange must be approved and adopted by the board of directors unless otherwise provided for in the articles of incorporation; and (3) revise various provisions concerning mergers, conversions and exchanges to reflect the removal of nonprofit cooperative corporations from the definition of the term “domestic corporation” while maintaining the applicability of those provisions to nonprofit cooperative corporations.

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

Section 1. NRS 81.020 is hereby amended to read as follows:

81.020 1. The corporation may or may not have capital stock, and its business must be operated for the mutual benefit of the members thereof.

2. No member of the cooperative corporation may have more than one vote in the management of its affairs. Meetings of the association or meetings of the board of directors may be held in or outside this State.

3. The corporation shall not pay dividends on stock or membership certificates in excess of 8 percent per annum.

4. The corporation or association, as it may be called, may deal in the products of nonmembers, but not to an amount greater in value than such as are handled by it for members ~~it~~, *unless otherwise provided in its articles of incorporation or bylaws.*

5. *Nothing contained in this section shall be construed to prohibit the corporation from distributing surplus funds or issuing refunds to its members in accordance with its articles of incorporation.*

Sec. 2. NRS 81.040 is hereby amended to read as follows:

81.040 Each corporation formed under NRS 81.010 to 81.160, inclusive, must prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation ~~it~~, *which must contain the word “Cooperative” or “Co-op” or the abbreviation “N.C.C.”*

2. The purpose for which it is formed.

3. The information required pursuant to NRS 77.310.

4. The term for which it is to exist, which may be perpetual.

5. If formed with stock, the amount of its stock and the number and par value, if any, and the shares into which it is divided, and the amount of common and of preferred stock that may be issued with the preferences, privileges, voting rights, restrictions and qualifications pertaining thereto.

6. The names and addresses of those selected to act as directors, not less than three, for the first year or until their successors have been elected and have accepted office.

7. Whether the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to

all members by which the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

8. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 3. NRS 81.080 is hereby amended to read as follows:

81.080 1. Each corporation incorporated under NRS 81.010 to 81.160, inclusive, must, within 1 month after filing articles of incorporation, adopt a code of bylaws for its government and management not inconsistent with the provisions of NRS 81.010 to 81.160, inclusive. A majority vote of the ~~membership,~~ **members or directors**, or the written assent of **such** members **or directors** representing a majority of the votes, is necessary to adopt such bylaws.

2. The power to make additional bylaws and to alter the bylaws ~~is~~ :

(a) ~~If the bylaws were~~ adopted by the members ~~for directors~~ under the provisions of subsection 1 ~~[shall be]~~, **must remain** in the members, but any corporation may, in its articles of incorporation, original or amended, or by resolution adopted by a ~~two-thirds~~ **majority** vote, or by written consent of two-thirds of the members, confer that power upon the directors. Bylaws made by the directors under power so conferred ~~is~~ may be altered by the directors or by the members.

(b) ~~If the bylaws were adopted by the directors under the provisions of subsection 1, must remain in the directors, but any corporation may, in its articles of incorporation, original or amended, or by resolution adopted by a majority vote of the directors, or by written consent of two-thirds of the directors, confer that power upon the members. Bylaws made by the members under power so conferred may be altered by the directors or by the members.~~

3. The written consent of the owners of two-thirds of the stock or of two-thirds of the members shall suffice to adopt bylaws in addition to those adopted under the provisions of subsection 1, and to amend or repeal any bylaw.

~~3~~ 4. All bylaws in force must be copied legibly in a book called the Book of Bylaws, kept at all times for inspection in the principal office. Until so copied, they shall not be effective or in force.

Sec. 4. NRS 82.011 is hereby amended to read as follows:

82.011 “Articles of incorporation” and “articles” are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 82.081, 82.346, 82.356 and 82.371 and any articles of merger filed pursuant to NRS 92A.005 to 92A.260, inclusive ~~is~~, **and sections 6 and 7 of this act.**

Sec. 5. Chapter 92A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. *“Nonprofit cooperative corporation” means a nonprofit cooperative corporation organized pursuant to NRS 81.010 to 81.160, inclusive.*

Sec. 7. *Unless otherwise provided in the articles of incorporation, a plan of merger, conversion or exchange involving a nonprofit cooperative corporation must be approved and adopted by the board of directors.*

Sec. 8. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 92A.007 to 92A.092, inclusive, *and section 6 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 92A.025 is hereby amended to read as follows:

92A.025 “Domestic corporation” means a corporation organized and existing under chapter 78, 78A or 89 of NRS. ~~[, or a nonprofit cooperative corporation organized pursuant to NRS 81.010 to 81.160, inclusive.]~~

Sec. 10. NRS 92A.170 is hereby amended to read as follows:

92A.170 After a merger, conversion or exchange is approved, and at any time before the articles of merger, conversion or exchange are filed, the planned merger, conversion or exchange may be abandoned, subject to any contractual rights, without further action, in accordance with the procedure set forth in the plan of merger, conversion or exchange or, if none is set forth, in the case of:

1. A domestic corporation, whether or not for profit, by the board of directors;

2. A domestic limited partnership, unless otherwise provided in the partnership agreement or certificate of limited partnership, by all general partners;

3. A domestic limited-liability company, unless otherwise provided in the articles of organization or an operating agreement, by members who own a majority in interest in the current profits of the company then owned by all of the members or, if the company has more than one class of members, by members who own a majority in interest in the current profits of the company then owned by the members in each class;

4. A domestic business trust, unless otherwise provided in the certificate of trust or governing instrument, by all the trustees; ~~[and]~~

5. A domestic general partnership, unless otherwise provided in the partnership agreement, by all the partners ~~[;]~~; *and*

6. *A nonprofit cooperative corporation, unless otherwise provided in the articles of incorporation, by the board of directors.*

Sec. 11. NRS 92A.210 is hereby amended to read as follows:

92A.210 1. Except as otherwise provided in this section, the fee for filing articles of merger, articles of conversion, articles of exchange, articles of domestication or articles of termination is \$350. The fee for filing the charter documents of a domestic resulting entity is the fee for filing the charter documents determined by the chapter of NRS governing the particular domestic resulting entity.

2. The fee for filing articles of merger of two or more domestic corporations , *including, without limitation, a nonprofit cooperative corporation*, is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporation.

3. The fee for filing articles of merger of one or more domestic corporations , *including, without limitation, a nonprofit cooperative corporation*, with one or more foreign corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporations which have paid the fees required by NRS 78.760 and 80.050.

4. The fee for filing articles of merger of two or more domestic corporations, *including, without limitation, nonprofit cooperative corporations*, or foreign corporations must not be less than \$350. The amount paid pursuant to subsection 3 must not exceed \$35,000.

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. 377.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 167.

AN ACT relating to crimes; revising the provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is employed in a position of authority or who volunteers in a position of authority at a public or private school from engaging in sexual conduct with a pupil who is enrolled in or attending the public school or private school at which the person is employed or

volunteering. (NRS 201.540) This bill expands this provision by prohibiting a person who is or was employed in a position of authority or who volunteers or volunteered in a position of authority at a public school or private school from engaging in sexual conduct with a pupil with whom the person has had contact in the course of performing his or her duties as an employee or volunteer.

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

Section 1. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil ~~[who]~~ :

(1) **Who** is 16 or 17 years of age ; and ~~[who is enrolled in or attending the public school or private school at which]~~

(2) **With whom** the person ~~[is employed or volunteering,]~~ **has had contact in the course of performing his or her duties as an employee or volunteer,**

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil ~~[who]~~ :

(1) **Who** is 14 or 15 years of age ; and ~~[who is enrolled in or attending the public school or private school at which]~~

(2) **With whom** the person ~~[is employed or volunteering,]~~ **has had contact in the course of performing his or her duties as an employee or volunteer,**

↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

3. For the purposes of subsections 1 and 2, a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of

authority at a public or private school if the person is or was employed or volunteering as:

- (a) A teacher or instructor;
- (b) An administrator;
- (c) A head or assistant coach; or
- (d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

4. The provisions of this section do not apply to a person who is married to the pupil.

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. 381.

Bill read second time.

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

Amendment No. 128.

AN ACT relating to historic preservation; encouraging the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill recognizes the cultural significance of St. Thomas, Nevada, and encourages the identification and development of programs for the preservation and protection of the historical culture of St. Thomas.

WHEREAS, The first settlements in Clark County were established in 1865 at St. Thomas, Nevada, and officially vacated in 1938 when the rising waters created from the Hoover Dam flooded the town; and

WHEREAS, St. Thomas contains unique, culturally important resources; and

WHEREAS, The flooding of St. Thomas has alienated the residents of Clark County from their heritage, threatening the protection and preservation of the town's cultural resources for the enjoyment of future generations; and

WHEREAS, The National Park Service requires accommodation for traditionally associated groups whose traditions are closely tied to the resources in a park area; and

WHEREAS, The National Park Service has encouraged park managers to be proactive with such traditionally associated groups regarding the protection and preservation of their cultural heritage; and

WHEREAS, Local governments in the communities surrounding Northeast Clark County have publicly expressed their desire to promote the cultural heritage of St. Thomas and the original settlers of Clark County by establishing Traditionally Associated Group status with the National Park Service at the Lake Mead National Recreational Area; and

WHEREAS, Partners in Conservation, a nonprofit corporation, has demonstrated a desire to help identify and develop programs for the preservation and protection of the historical culture of St. Thomas; now, therefore

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

Section 1. The Legislature hereby finds and declares that:

1. St. Thomas contains unique, culturally important resources.
2. To preserve, protect and promote for the benefit of present and future generations the unique, culturally important resources of St. Thomas, the Nevada Legislature hereby encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, including, without limitation, programs related to culturally developed waters, natural resource pathways, culturally associated resource sites and living history projects relating to pioneer cultural resources.

Sec. 2. The provisions of this act must not be construed to affect or prohibit any planning for or the development or use of any water resource in this State, including, without limitation, the attainment of full capacity for the storage of water in Lake Mead.

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

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

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

Amendment No. 172.

AN ACT relating to governmental administration; authorizing the Sunset Subcommittee of the Legislative Commission to recommend the auditing of certain boards or commissions; providing that certain members of the Sunset Subcommittee are nonvoting members; decreasing the number of boards and commissions that the Sunset Subcommittee is required to review; removing the requirement that the Sunset Subcommittee submit a written assessment to a board or commission setting forth the costs of a review; ~~requiring the Sunset Subcommittee to submit to the Legislative Commission a proposed list of boards and commissions to be reviewed;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Sunset Subcommittee of the Legislative Commission to conduct a review of certain boards and commissions in this State. The Sunset Subcommittee is required to review: (1) not less than 20 such boards and commissions each year; and (2) each board and commission subject to review not less than once every 10 years. The Sunset Subcommittee also must submit a written assessment to each board or commission that is reviewed which sets forth the costs of the review, and the board or commission must pay such an amount to the Sunset Subcommittee. (NRS 232B.220) **Section 3** of this bill revises these provisions and only requires the Sunset Subcommittee to review not less than 10 boards and commissions each legislative interim. ~~[Section 3 also requires the Sunset Subcommittee to submit to the Legislative Commission, on or before July 31 of each odd-numbered year, a proposed list of boards and commissions to be reviewed during the legislative interim, which the Legislative Commission must consider and approve with or without revisions.]~~ **Section 3** additionally removes the provisions concerning the written assessment.

Section 1 of this bill provides that at any time during a legislative interim, if the Sunset Subcommittee determines that a board or commission should be audited, the Sunset Subcommittee must make a recommendation to the Legislative Commission, and the Legislative Commission must determine whether to direct the Legislative Auditor to perform an audit. The Legislative Auditor is prohibited from performing more than four such audits during a legislative interim.

Section 2 of this bill specifies that the members of the Sunset Subcommittee who are members of the general public are nonvoting members.

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

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

1. At any time during a legislative interim, if the Sunset Subcommittee of the Legislative Commission determines that a board or commission subject to review by the Sunset Subcommittee should be audited, the Sunset Subcommittee shall make such a recommendation to the Legislative Commission. The Sunset Subcommittee shall include with its recommendation a summary of the justification for the recommendation.

2. After receiving a recommendation from the Sunset Subcommittee pursuant to subsection 1, the Legislative Commission shall evaluate the recommendation and determine whether to direct the Legislative Auditor to perform an audit of the board or commission pursuant to NRS 218G.120. In making its determination, the Legislative Commission shall consider the current workload of the Audit Division of the Legislative Counsel Bureau.

3. The Legislative Auditor shall not perform more than four audits directed by the Legislative Commission pursuant to this section during a legislative interim.

Sec. 2. NRS 232B.210 is hereby amended to read as follows:

232B.210 1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:

(a) Three **voting** members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(b) Three **voting** members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(c) Three **nonvoting** members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The *voting* members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. ~~Five~~ **Four** *voting* members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

- (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;
- (b) Per diem allowance provided for state officers generally; and
- (c) Travel expenses provided pursuant to NRS 218A.655.

↪ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. NRS 232B.220 is hereby amended to read as follows:

232B.220 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

- (a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review ~~[-~~

~~-(a) Not] not less than [20] 10 boards and commissions specified in subsection 1 each [year; and~~

~~-(b) Each of those boards and commissions not less than once every 10 years.~~

~~3. For each review of a board or commission that the Sunset Subcommittee conducts, the Sunset Subcommittee shall submit a written assessment to the board or commission setting forth the costs of the review. In determining the amount of an assessment pursuant to this subsection, the Sunset Subcommittee shall consider, based upon the information provided by the board or commission pursuant to NRS 232B.230, whether any additional analysis or evaluation is required to review the board or commission because of the specialized nature of the board or commission. As soon as practicable after a board or commission receives a written assessment pursuant to this subsection, the board or commission shall pay the amount set forth in the written assessment to the Sunset Subcommittee.~~

~~4.] legislative interim. [On or before July 31 of each odd numbered year, the Sunset Subcommittee shall submit to the Legislative Commission for its approval a proposed list of such boards and commissions to be reviewed by the Sunset Subcommittee during the legislative interim. At the next meeting of the Legislative Commission which occurs at least 5 business days after the Legislative Commission receives the proposed list of boards and commissions, the Legislative Commission shall consider and may revise the proposed list. The Legislative Commission shall approve the list with or without revisions at the meeting.]~~

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, **and section 1 of this act** is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

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

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that upon return from the printer, Assembly Bill No. 364 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 46, 233, 255, 276, 290, 337, 344, 350, 419, 466, 483, 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.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 195 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 7 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 2, 13, 14, 16, 19, 22, 30, 39, 40, 45, 55, 66, 69, 75, 79, 82, 84, 85, 102, 108, 110, 116, 117, 128, 132, 134, 135, 154, 155, 156, 158, 170, 173, 174, 175, 183, 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.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 8 and 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Francisco Morales.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Clark, Shayna Segal, and Francisco Virella.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Navarro, Cory Hernandez, and Carlos H. Silva Sr.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Zackery Hames.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Kuhlmeier.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Gibran Arroyo-Castron and Sydney Hann.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Rudy Zamora.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Wiley, Klarisse Policarpio, Andrea Wiley, Zachery Waymire, and Shannon Waymire.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Noelle Ogata, Edith Tuinei, and the following students from Gabbs High School: Tijmen Schoonderbeek, Cylissia Cervantes, Daylon Boots, Shania Brown, Nolan Bryan, Nickole Chiaratti, Annette Seeger, Schelbi Stark, and Ryan Young.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Sanje Sedera.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rosemary Flores.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Tuioufa and Rylee Taylor.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Cornell McCrary.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ren Ohrenschall and Riana Durrett.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Elvira Diaz.

Assemblyman Horne moved that the Assembly adjourn until Monday, April 15, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:49 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly