

**THE SEVENTY-SECOND DAY**

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CARSON CITY (Tuesday), April 16, 2013

Assembly called to order at 11:58 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Benitez-Thompson, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Dan Aument.

Please pray with me.

God of our salvation, as we come before You in prayer for this body in this place, we remember the terrible events that took place yesterday in Boston. We are deeply saddened by these senseless and hateful acts of violence that echo so many other acts around the world. We pray for those who lost their lives, for those who received life-changing injuries, and for their families and loved ones. Help us to mourn with those who mourn as we lift up our hearts to You in silence now.

We pray for our nation—that we would respond not with blind vindictiveness, but instead with patient mercy and a desire for your universal justice. Give us Your peace that passes understanding. In Your forgiving Name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 41, 374, 407, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

*Madam Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 10, 44, 97, 98, 146, 182, 202, 273, 313, 325, 358, 378, 389, 421, 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 were referred Assembly Bills Nos. 441, 442, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which were referred Assembly Bills Nos. 18, 21, 129, 165, 176, 256, 282, 305, 379, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2013

*To the Honorable the Assembly:*

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 79, 202, 215, 216, 227, 262, 279, 281, 304, 335, 347, 351, 365, 405, 419, 434, 437, 438, 443, 457, 458; Senate Joint Resolution No. 14.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 4, 5, 7, 12, 18, 22, 35, 40, 51, 55, 61, 78, 98, 102, 108, 125, 130, 162, 167, 169, 206, 237, 264, 274, 284, 338, 342.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 14.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 5.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 7.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 12.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 18.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 22.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 35.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 40.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 51.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 55.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 61.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 78.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 79.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 98.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 102.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 108.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 125.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 130.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 162.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 167.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 169.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 202.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 206.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 215.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 216.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 227.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 237.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 262.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 264.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 274.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 279.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 281.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 284.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 304.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 335.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 338.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 342.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 347.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 351.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 365.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 405.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 419.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 434.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 437.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 438.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 443.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 457.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 458.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

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

Amendment No. 430.

AN ACT relating to chiropractic; revising certain provisions governing unprofessional conduct by a chiropractor or chiropractor's assistant; revising the information which must be submitted by an applicant for a license to practice chiropractic; revising provisions relating to the score which an applicant must obtain on an examination for a license to practice chiropractic; revising provisions governing temporary licenses to practice chiropractic; revising provisions governing the renewal of a license to practice chiropractic and a certificate as a chiropractor's assistant; revising provisions governing the reinstatement of a license to practice chiropractic; ~~revising the circumstances under which a chiropractor may pierce or sever any body tissue;~~ revising certain fees charged and collected by the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that an applicant for a license to practice chiropractic in Nevada must submit an application to the Chiropractic Physicians' Board of Nevada and must obtain a passing score on an examination administered by the Board. (NRS 634.070, 634.080, 634.100)

**Section 3** of this bill revises the information an applicant for a license to practice chiropractic must submit to the Board to include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic.

**Section 4** of this bill revises provisions setting forth the passing score for the examination for a license to practice chiropractic.

Existing law provides that a chiropractor or chiropractor's assistant may be disciplined for unprofessional conduct. (NRS 634.018, 634.140) **Section 2** of this bill provides that unprofessional conduct includes advertising, by any form of public communication, a chiropractic practice: (1) using grossly improbable statements; or (2) in any manner that will tend to deceive, defraud or mislead the public.



Existing law provides that a temporary license to practice chiropractic in this State is valid for the 10-day period designated on the license and is not renewable. (NRS 634.115) **Section 5** of this bill revises provisions governing a temporary license to practice chiropractic in this State to provide that a temporary license is: (1) valid only for the period designated on the license, which must be not more than 10 days; (2) valid for the place of practice designated on the license; and (3) not renewable.

Existing law provides that the holder of a license to practice chiropractic or a certificate as a chiropractor's assistant must complete a certain number of hours of continuing education during the 24 months immediately preceding the renewal date of the license or certificate. Existing law additionally requires a licensee or holder of a certificate as a chiropractor's assistant to pay a fee upon the renewal of the license or certificate. (NRS 634.130) **Section 6** of this bill provides that the Board may waive the continuing education requirements for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate. **Section 6** also authorizes the Board to waive the renewal fee for such a licensee or holder of a certificate.

**Section 8** of this bill increases from \$25 to \$50 the fee which the Board may charge and collect for review of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.

**Section 9** of this bill deletes a provision that authorizes a person whose license to practice chiropractic has been revoked to apply to the Board for the restoration of the license in certain circumstances.

~~[Existing law prohibits a chiropractor from piercing or severing any body tissue, except to draw blood for diagnostic purposes. (NRS 634.225) Section 10 of this bill revises that provision to authorize a chiropractor to pierce or sever any body tissue for diagnostic purposes.]~~

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

**Section 1.** ~~[NRS 634.0173 is hereby amended to read as follows:  
634.0173 "Manipulation" means an application of a resistive movement by applying a nonspecific force, *[with or]* without the use of a thrust, which is directed into a region and not into a focal point of the anatomy.] (Deleted by amendment.)~~

**Sec. 2.** NRS 634.018 is hereby amended to read as follows:  
634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Assuring that a manifestly incurable disease can be permanently cured.

4. Advertising, *by any form of public communication, a chiropractic business in which practice:*

(a) *Using* grossly improbable statements ~~are made, advertising in~~; or

(b) *In* any manner that will tend to deceive, defraud or mislead the public. ~~for preparing, causing to be prepared, using or participating in the use of any form of public communication that contains professionally self-laudatory statements calculated to attract lay patients.]~~

↳ As used in this subsection, “public communication” includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians’ Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee’s designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle accident, involved in a work-

related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) "Designated agent" means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) "Solicitation" means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractor's assistant unless the person has been issued a certificate by the Board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; or

(b) An examination of the patient by the chiropractic physician taking such action.

17. Violating a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

**Sec. 3.** NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application not less than 60 days before the date of the examination.

2. An application must be filed with the Secretary of the Board on a form to be furnished by the Secretary.

3. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.

(f) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate ~~of the Secretary of~~ **from** the chiropractic board of ~~the~~ **each** state in which the applicant was ~~last~~ licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

(g) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(h) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(i) All other information required to complete the application.

**4. An application must include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.**

**Sec. 4.** NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board not less than 60 days before the date of the examination.

2. Except as otherwise provided in NRS 622.090 ~~{}:~~:

**(a) For a written, closed-book examination which is administered in person by the Board,** a score of 75 percent or higher in all subjects taken on the examination is a passing score.

**(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.**

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed ~~. [with a score of 75 percent or higher.]~~

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

**Sec. 5.** NRS 634.115 is hereby amended to read as follows:

634.115 1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the required fee and the approval of its Secretary and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. A temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with the Secretary of the Board not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. An application for a temporary license must be accompanied by a fee of \$50 and include:

(a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;

(b) A current photograph of the applicant measuring 2 by 2 inches;

(c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and

(d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license ~~is~~:

(a) *Is* valid for the ~~10-day~~ period designated on the license, ***which must be not more than 10 days;***

(b) *Is valid for the place of practice designated on the license;* and ~~is~~

(c) *Is* not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

**Sec. 6.** NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. ~~Each~~ ***Except as otherwise provided in subsection 9, each*** person who is licensed ***or holds a certificate as a chiropractor's assistant*** pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal ***license or*** certificate which authorizes the person to continue to practice for 2 years.

2. ~~The~~ ***Except as otherwise provided in subsection 9, the*** renewal fee must be paid and all information required to complete the renewal must be submitted to the Board on or before January 1 of:

(a) Each odd-numbered year for a licensee; and

(b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5 ~~{or 6,}~~ **6 or 7**, a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5 ~~{or 7,}~~ **6 or 8**, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractor's assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractor's assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractor's assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license ~~{}~~ **or certificate**.

6. ***The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.***

7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

~~{7.}~~ 8. A ~~{certificate}~~ holder *of a certificate as a chiropractor's assistant* is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the ~~{certificate}~~ holder *of a certificate* an initial certificate to practice as a chiropractor's assistant in this State.

~~{8.}~~ 9. *The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.*

10. If a licensee fails to:

(a) ~~{Pay}~~ *Except as otherwise provided in subsection 9, pay* the renewal fee by January 1 of an odd-numbered year;

(b) ~~{Submit}~~ *Except as otherwise provided in subsection 5 or 6, submit* proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

↪ the license ~~{is}~~ automatically ~~{suspended}~~ *expires* and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license ~~{was suspended,}~~ *expired*, of the required fee for reinstatement in addition to the renewal fee.

~~{9.}~~ 11. If a holder of a certificate as a chiropractor's assistant fails to:

(a) ~~{Pay}~~ *Except as otherwise provided in subsection 9, pay* the renewal fee by January 1 of an even-numbered year;

(b) ~~{Submit}~~ *Except as otherwise provided in subsection 5 or 6, submit* proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

↪ the certificate ~~{is}~~ automatically ~~{suspended}~~ *expires* and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

**Sec. 7.** NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license ~~{has been automatically suspended}~~ *expires* pursuant to the provisions of subsection ~~{8}~~ 10 of NRS 634.130 and *the license was* not reinstated pursuant to the provisions of that subsection, the

person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have ~~[-a suspended]~~ **an expired** license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; and

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic; and

(2) The fee for reinstating a license to practice chiropractic which has ~~[-been suspended or revoked.]~~ **expired.**

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of ~~[-a suspended]~~ **an expired** license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

**Sec. 8.** NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic .....	\$200.00
For an examination for a license to practice chiropractic .....	200.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant .....	100.00
For an examination for a certificate as a chiropractor's assistant.....	100.00



For the issuance of a license to practice chiropractic .....	300.00
For the biennial renewal of a license to practice Chiropractic .....	1,000.00
For the biennial renewal of an inactive license to practice Chiropractic .....	300.00
For the biennial renewal of a certificate as a chiropractor's assistant .....	200.00
For the restoration to active status of an inactive license to practice chiropractic .....	300.00
For reinstating a license to practice chiropractic which has <i>expired pursuant to NRS 634.130</i> or has been suspended <del>for revoked</del> .....	500.00
For reinstating a certificate as a chiropractor's assistant which has <del>been suspended</del> <i>expired</i> pursuant to NRS 634.130 or has been <i>suspended</i> .....	100.00
For a review of any subject on the examination .....	25.00
For the issuance of a duplicate license or for changing the name on a license.....	35.00
For written verification of licensure or issuance of a certificate of good standing .....	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic .....	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice Chiropractic .....	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State .....	35.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic .....	25.00
For each page of a list of continuing education courses that have been approved by the Board.....	50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges.....	35.00
For an application for a student or chiropractor to participate in the preceptor program established by the Board pursuant to NRS 634.137.....	35.00

For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....~~25.00~~ **50.00**

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for the expedited processing of a request or for any other incidental service it provides.

3. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

**Sec. 9.** NRS 634.204 is hereby amended to read as follows:

634.204 1. Any person:

- (a) Whose practice of chiropractic has been limited; or
- (b) Whose license to practice chiropractic has been suspended until further order, ~~or revoked,~~

↪ by an order of the Board may apply to the Board after a reasonable period for removal of the limitation or restoration of his or her license.

2. In hearing the application, the Board:

- (a) May require the person to submit to a mental or physical examination by physicians or other appropriate persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;
- (b) Shall determine whether under all the circumstances the time of the application is reasonable; and
- (c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrant.

~~**Sec. 10.** NRS 634.225 is hereby amended to read as follows:~~

~~634.225 A chiropractor shall not pierce or sever any body tissue, except to draw blood for diagnostic purposes. (Deleted by amendment.)~~

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. 106.

Bill read second time and ordered to third reading.

Assembly Bill No. 120.

Bill read second time.

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

Amendment No. 444.

AN ACT relating to insurance; ~~requiring an insurer to provide certain information to a policyholder when an insurance score is used to determine an insurance premium;~~ **requiring the Division of Insurance of the Department of Business and Industry to post certain information on its Internet website;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Subject to certain limitations, an insurer is allowed to use an insurance score, defined as a number or rating that is derived from an algorithm, computer application, model or other process that is based in whole or in part on credit information, when determining an insurance premium. (NRS 686A.660, 686A.680) If an insurer uses credit information in underwriting or rating an applicant, the insurer is required to provide written disclosure that the insurer may obtain credit information in connection with an application. (NRS 686A.700) If an insurer takes adverse action based on credit information, the insurer is required to provide to the applicant or policyholder a detailed explanation of the reasons for the adverse action. (NRS 686A.710) ~~[This bill requires any insurer who uses an insurance score to determine the amount of a premium to provide within the policy: (1) notice that the score was used; (2) the minimum possible insurance score which could have been obtained by any person; (3) the maximum possible insurance score which could have been obtained by any person; and (4) the insurance score actually obtained by the policyholder. Any person who violates this requirement is guilty of a misdemeanor. (NRS 679A.180)]~~ **This bill: (1) requires the Division of Insurance of the Department of Business and Industry to post on its Internet website a list of each authorized insurer that does not use an insurance score when underwriting, rating an applicant for or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance; and (2) authorizes the Division to post certain information relating to the use of insurance scores on its Internet website.**

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

**Section 1.** NRS 686A.700 is hereby amended to read as follows:

686A.700 1. If an insurer uses credit information in underwriting or rating an applicant, the insurer or its agent shall disclose, either on the application for the policy or at the time the application is taken, that the insurer may obtain credit information in connection with the application. The disclosure must be written or provided to an applicant in the same medium as the application. The insurer need not provide the disclosure required pursuant to this ~~section~~ **subsection** to a policyholder upon renewal of a policy if the

policyholder was previously provided the disclosure in connection with the policy.

~~{2.} An insurer may comply with the requirements of this {section} subsection by providing the following statement:~~

~~In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score.~~

~~{ 2. If an insurer uses an insurance score when calculating the premium for a policy of insurance, the insurer must include within the policy:~~

~~— (a) Notice that the insurance score of the policyholder was used when calculating the premium; and~~

~~— (b) An explanation of the insurance score used to calculate the premium, which must include, without limitation:~~

~~— (1) The maximum possible insurance score obtainable by any person under the insurance scoring methodology used by the insurer;~~

~~— (2) The minimum possible insurance score obtainable by any person under the insurance scoring methodology used by the insurer; and~~

~~— (3) The actual insurance score assigned to or obtained by the policyholder. }~~

2. The Division shall post on its Internet website a list of each insurer that does not use an insurance score when underwriting, rating an applicant for or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance and shall update this list on July 1 of each year.

3. The Division may post on its Internet website, without limitation:

(a) General information concerning the use of an insurance score in underwriting, rating an applicant for or calculating the premium for a policy of insurance; and

(b) Applicable laws governing the manner in which an insurance score may be used.

4. As used in this section, "passenger car" has the meaning ascribed to it in NRS 482.087.

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. 131.

Bill read second time.

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

Amendment No. 260.

AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Board of the Virgin Valley Water District consists of five members. Of the five members, one member is appointed by the Mayor of the City of Mesquite, one member is appointed by the governing body of the town of Bunkerville and three members are elected from the service area of the District. Of the three elected members, one of the members must reside in the geographical area of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes of Nevada 1993, p. 163, as amended by chapter 266, Statutes of Nevada 1995, p. 444) **Section 1** of this bill requires that all five members of the Board be elected from the service area of the District. **Section 1** also requires that two of the five members be elected from the geographical area of the District located south of the Virgin River ~~[Section 1 also requires]~~ **and** that ~~[(1) three members, including one member who resides in the geographical area of the District located south of the Virgin River, serve 4-year terms; and (2) two members, including one member who resides in that geographical area, serve 2-year]~~ **all five members of the Board serve 4-year** terms.

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

**Section 1.** Section 5 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 444, is hereby amended to read as follows:

Sec. 5. 1. Except as otherwise provided in section 4 of this act, the governing Board of the District consists of five members ~~[selected as follows:~~

~~—(a) One member appointed by the mayor of the City of Mesquite with the approval of the City Council of that city.~~

~~—(b) One member appointed by the governing body of the town of Bunkerville, who must reside in the geographical area of the District located south of the Virgin River. If the town of Bunkerville is annexed into the City of Mesquite, this member must be appointed pursuant to paragraph (a), subject to the residency requirement set forth in this paragraph.~~

~~—(c) Three members]~~ elected from the service area of the District, ~~[one]~~ **two** of whom must reside in the geographical area of the District located south of the Virgin River.

2. Except for members of the first Board, ~~and appointed members,~~ members of the Board must be elected at a general district election held in conjunction with the general election of Clark County in 1994 and with subsequent general elections of Clark County. ~~[The elected member] *Three of the members, including one member* who is required to reside in the geographical area of the District located south of the Virgin River,] and one other elected member, who must be chosen by lot, *The members* serve terms of 4 years. ~~and the remaining] [elected member serves a term] *members, including the other member who is required to reside in the geographical area of the District located south of the Virgin River, serve terms of 2 years.*] [The appointed members serve terms of 2 years.]~~~~

**Sec. 2.** Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. 1. Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:

- (a) Reside in the District for at least 6 months before ~~this or her appointment or] the election at which the member is elected;~~
- (b) Be a qualified elector of the District;
- (c) ~~[If the member is elected to office, be] **Be** elected by a plurality of the qualified electors of the District; and~~
- (d) Take office upon qualification therefor as provided in subsection 3, or on the first Monday in January next following the member's election, ~~[or appointment,] whichever is later, and leave office upon the first Monday in January next following the election [or appointment] of the member's successor in office.~~

2. If the Board establishes various election areas within the District, each member ~~[who is elected to] of the Board must:~~

- (a) Reside in the election area represented for at least 6 months before the election at which the member is elected;
- (b) Be a qualified elector of the election area represented;
- (c) Be elected by a plurality of the qualified electors of the election area represented; and
- (d) Take office in the manner prescribed in paragraph (d) of subsection 1.

3. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

- (a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and
- (b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which

bond must guarantee the faithful performance of the duties of the member.

4. A vacancy in the office of a member ~~[who is elected to]~~ *of* the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the District, or if the board has established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

~~[5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment.]~~

**Sec. 3.** ~~[1.]~~ Notwithstanding the provisions of the Virgin Valley Water District Act, the term of each member of the Board of the Virgin Valley Water District expires on December 31, 2014.

~~[2. As soon as practicable after all the members of the Board of the Virgin Valley Water District are elected and qualified after January 1, 2015, the members of the Board shall, by lot, select:~~

~~—(a) Three members of the Board to serve for terms of 4 years, including one member of the Board who resides in the geographical area of the Virgin Valley Water District located south of the Virgin River; and~~

~~—(b) Two members of the Board to serve for terms of 2 years, including one member of the Board who resides in the geographical area described in paragraph (a).]~~

**Sec. 4.** This act becomes effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board of the Virgin Valley Water District and on January 1, 2015, for all other purposes.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 263.

AN ACT relating to education; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Superintendent of Public Instruction, on or before August 1, November 1, February 1 and May 1 of each year, to apportion the State Distributive School Account in the State General Fund among the 17 county school districts in amounts approximating one-fourth of their respective yearly apportionments. (NRS 387.124) **Section 1** of this bill requires the board of trustees of each school district to report to the Department of Education on those same dates: (1) the average daily attendance of pupils and the ratio of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; or (2) if the school district has an alternative class-size reduction plan approved by the State Board of Education, the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades in elementary school that are required to comply with the alternative class-size reduction plan. **Section 1** also requires each school district to post the information reported to the Department on the school district's Internet website as well as information concerning any variances from the prescribed pupil-teacher ratios granted by the State Board for an elementary school within the school district.

Existing law provides that the ratio of pupils per licensed teacher in kindergarten and grades 1, 2 and 3 must not exceed 15 to 1. (NRS 388.700) In lieu of complying with these pupil-teacher ratios, a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) may request approval from the State Board for a plan to reduce pupil-teacher ratios: (1) in grades 1, 2 and 3, not to exceed 22 to 1; and (2) in grades 4 and 5 or grades 4, 5 and 6, as applicable for the elementary school, not to exceed 25 to 1. (NRS 388.720) During previous sessions, the Legislature has, within the limits of available funding, appropriated money for class-size reduction in amounts that authorized pupil-teacher ratios which were higher than the statutorily prescribed ratios. **Section 2** of this bill statutorily increases the prescribed ratios: (1) for kindergarten and grades 1 and 2, to ~~18~~ **16** to 1; and (2) for grade 3, to ~~20~~



**18** to 1. In addition, **section 2** requires a school district that exceeds the ratios statutorily prescribed in any quarter of a school year to request a variance for the next quarter from the State Board. **Section 2** further requires the State Board to provide a quarterly report to the Interim Finance Committee on each variance requested by a school district during the preceding quarter and, if a variance was granted, the specific justification for the variance. Finally, **section 2** provides that for purposes of determining compliance with the pupil-teacher ratios, a school district must not include the count of any teachers who teach one or two specific subject areas to more than one classroom of pupils.

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

**Section 1.** Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. On or before August 1, November 1, February 1 and May 1 of each year, the board of trustees of each school district shall report to the Department for the preceding quarter:**

*(a) Except as otherwise provided in paragraph (b), the average daily attendance of pupils and the ratio of pupils per licensed teacher for kindergarten and grades 1, 2 and 3 for each elementary school in the school district.*

*(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.*

**2. The board of trustees of each school district shall post on the Internet website maintained by the school district:**

*(a) The information concerning average daily attendance and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and*

*(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.*

**Sec. 2.** NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, after the last day of the first month of the school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 ~~[ ]~~ and 2, **must not exceed ~~[18]~~ 16 to 1**, and **in grade 3**, must not exceed ~~[15]~~ ~~[20]~~ **18** to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

↪ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, *teachers who teach one or two specific subject areas to more than one classroom of pupils, and* counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class ~~{ }~~ *if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.*

3. Each school district that ~~{does not meet}~~ *includes one or more elementary schools which exceed* the ratio of pupils per class ~~{ }~~ *during any quarter of a school year:*

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

↪ must request a variance *for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable,* from the State Board by providing a written statement that includes the reasons for the request and the justification for exceeding the applicable prescribed ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. *The State Board shall, on a quarterly basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding quarter and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.*

6. The State Board shall, on or before February 1 of each odd-numbered year, *submit a* report to the Legislature on:

(a) Each variance ~~{granted by it}~~ *requested by a school district pursuant to subsection 4* during the preceding biennium ~~{, including}~~ *and, if a*

*variance was granted, an identification of each elementary school for which variance was granted and* the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

~~{6-}~~ 7. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

- (a) The number of teachers employed;
  - (b) The number of teachers employed in order to attain the ratio required by subsection 1;
  - (c) The number of pupils enrolled; and
  - (d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,
- ↪ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~{7-}~~ 8. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

**Sec. 3.** This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

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

Amendment No. 208.

AN ACT relating to audits; revising requirements for certain regulatory boards of this State to prepare a balance sheet ~~and~~ **or** hire a public accountant or accounting firm to conduct an audit of the board for a fiscal year; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law , with certain exceptions, requires certain regulatory boards of this State which : (1) receive less than \$50,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive \$50,000 or more in revenue during any fiscal year to ~~prepare a balance sheet and~~ hire a public accountant or accounting firm to conduct an audit of the board's fiscal records for that fiscal year . [under certain circumstances.] Upon completion of the balance sheet or audit, existing law requires the board to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year. (NRS 218G.400)

This bill increases from \$50,000 to \$75,000 the amount of revenue received in any fiscal year ~~[which would require]~~ **for the purpose of determining whether** a board **is required** to prepare a balance sheet ~~and~~ **or** hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division. **This bill also provides that a board which: (1) receives less than \$75,000 in revenue; (2) is required to submit certain quarterly reports to the Director of the Legislative Counsel Bureau; and (3) fails to submit those reports, must hire a public accountant or accounting firm to conduct an audit of the board's fiscal records rather than preparing a balance sheet.**

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

**Section 1.** NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[\$50,000]~~ **\$75,000** for any fiscal year ~~and~~ **and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100,** prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of

the Department of Administration on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[\$50,000]~~ **\$75,000** or more for any fiscal year, **or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100,** engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

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

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 185.

Bill read second time.

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

Amendment No. 282.

AN ACT relating to labor; authorizing the Labor Commissioner to enter into a memorandum of understanding with the United States Department of Labor to promote compliance with labor laws of common concern; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Labor Commissioner to cooperate with bureaus or departments of labor of the Federal Government and other states. (NRS 607.120) Currently, the United States Department of Labor is party to memoranda of understanding with several states to provide for cooperation among federal agencies and agencies of those states to facilitate and to promote compliance with labor matters of common concern. This bill authorizes the Labor Commissioner to enter into such a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor.

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

**Section 1.** NRS 607.120 is hereby amended to read as follows:

607.120 The Labor Commissioner ~~[shall]~~ ~~[cooperate]~~ :

1. ~~[Cooperate]~~ ***Shall cooperate*** with such bureaus or departments of labor of the Federal Government and other states as may be established ~~[ ]~~ ;  
*and*

2. ~~[If possible,]~~ ***May enter into a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor to establish a collaborative relationship among the agencies of this State and***

*those of the Federal Government for the purpose of promoting compliance with labor laws of common concern.*

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. 200.

Bill read second time.

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

Amendment No. 224.

AN ACT relating to food establishments; ~~revising the definition of “food establishment” for purposes of provisions regulating such establishments;~~ **allowing farms to hold farm-to-fork events in certain circumstances without being considered a food establishment for purposes of inspections by the health authority and other regulations; requiring such farms to register with the health authority; providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances;** and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires a person to obtain a permit to operate a food establishment and to comply with various other requirements in the operation of the food establishment. (NRS 446.870) Existing law defines the term “food establishment” for those purposes and specifically excludes certain entities from the definition, including private homes where the food that is prepared or manufactured in the home is not provided for compensation or other consideration of any kind. (NRS 446.020)

**Section 5** of this bill adds to the list of entities that are excluded from the definition of “food establishment” a farm holding a farm-to-fork event. **Section 2** of this bill defines the term “farm-to-fork event” as an event where prepared food from a farm is provided for immediate consumption by paying guests at the farm. **Section 3** of this bill authorizes a farm to hold a farm-to-fork event provided that: (1) any **rabbit** meat or poultry served is raised and prepared on the farm, and is butchered and processed on the farm pursuant to certain permit and inspection requirements of NRS; (2) other food items served are prepared from ingredients substantially produced on the farm; and (3) each guest is provided with and acknowledges receipt of a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as to the butchering and

processing of the meat or poultry. **Section 3.5 requires a farm that wishes to hold farm-to-fork events to register with the health authority by providing certain information and paying a fee. The health authority is prohibited from inspecting the farm, except in certain circumstances.** Section 5 also adds to the list of entities that are excluded from the definition of “food establishment” a farm that manufactures or prepares certain food items for sale or which offers or displays for sale or serves those food items under certain circumstances. Section 4 of this bill specifies which food items qualify a farm for that exemption.

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

**Section 1.** Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3, **3.5** and 4 of this act.

**Sec. 2.** *“Farm-to-fork event” means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 3 of this act.*

**Sec. 3. 1.** *A farm is not a “food establishment” for purposes of holding a farm-to-fork event provided that:*

*(a) Any poultry and ~~meat, including, without limitation,~~ meat from a rabbit ~~that~~ that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; and*

*(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.*

**2.** *A farm which holds a farm-to-fork event ~~pursuant to this section~~ shall:*

*(a) Before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1; and*

*(b) Obtain from each guest a signed acknowledgment of receipt of the notice.*

**Sec. 3.5. 1.** **A farm that wishes to hold farm-to-fork events must register with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:**

**(a) The name, address and contact information of the owner of the farm;**

**(b) The name under which the farm operates; and**

**(c) The address of the farm.**



2. The health authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of farms holding farm-to-fork events.

3. The health authority shall not inspect a farm that holds a farm-to-fork event, except that the health authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the health authority in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the health authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

Sec. 4. 1. A farm which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each such food item is:

(a) Made substantially from ingredients that were grown or produced on the farm;

(b) Sold at the farm or at a farmers' market licensed pursuant to chapter 244 or 268 of NRS;

(c) Sold to a natural person for his or her consumption and not for resale;

(d) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 and which has been approved by the health authority if the food item is sold at a farmers' market;

(e) Labeled with "NOT FOR RESALE - PROCESSED AND PREPARED IN A FACILITY WHICH DOES NOT HAVE A PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A STATE OR COUNTY HEALTH AUTHORITY" printed prominently on the label for the food item; and

(f) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers ~~and~~

~~(g) Prepared and processed without the use of any special process, including, without limitation,~~

~~(1) Preservation by means of smoking, curing, dehydration or the addition of preservatives;~~

~~(2) Reduced oxygen packaging, including, without limitation, the cook-chill or sous vide processes; or~~

~~(3) Pressure canning of food with a pH of less than 4.2.]~~

2. As used in this section:

(a) "Farm" means land ~~+~~

~~(1) Used~~ used for an agricultural purpose, including, without limitation, the production of crops and the on-site storage, preparation and sale of agricultural products principally produced on the land ~~+~~ ~~and~~

~~(2) From which \$10,000 or more of agricultural products are produced and sold each year.]~~

(b) "Food item" means ~~+~~

~~(1) Nuts and nut mixes;~~

~~(2) Candies;~~

~~(3) Jams, jellies and preserves;~~

~~(4) Vinegar and flavored vinegar;~~

~~(5) Dry herbs and seasoning mixes; or~~

~~(6) Baked goods that:~~

~~(I) Are~~ any food that is not potentially hazardous ~~foods;~~

~~(II) Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes, fillings or frostings with low sugar content; and~~

~~(III) Do~~ , does not require time or temperature controls for safety ~~+~~ and has a pH of 4.6 or less.

Sec. 5. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution,

unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; ~~for~~

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers ~~for~~;

*(h) A farm that meets the requirements of section 4 of this act with respect to a food ~~items~~ item as defined in that section; or*

*(i) A farm for purposes of holding a farm-to-fork event.*

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

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time and ordered to third reading.

Assembly Bill No. 228.

Bill read second time.

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

Amendment No. 190.

ASSEMBLYMEN GRADY, HARDY, HAMBRICK, HICKEY, KIRNER; AIZLEY, ELLIOT ANDERSON, PAUL ANDERSON, BUSTAMANTE ADAMS, DIAZ, DUNCAN, EISEN, ELLISON, FIORE, **FRIERSON**, HANSEN, HEALEY, HORNE, KIRKPATRICK, LIVERMORE, OHRENSCHALL, OSCARSON, PIERCE, SPRINKLE, STEWART, WHEELER AND WOODBURY

AN ACT relating to health care; authorizing a provider of health care who is licensed or certified in this State or in another state or territory of the United States to provide voluntary health care service in this State in association with a sponsoring organization; establishing certain restrictions on the provision of voluntary health care service by a provider of health care; requiring a sponsoring organization to register and file certain reports with the Health Division of the Department of Health and Human Services; **requiring each such provider of health care to report certain information to the Health Division and to submit a complete set of fingerprints to the Health Division under certain circumstances;** requiring each ~~contract~~ **such provider of health care to obtain or otherwise carry a policy** of professional liability insurance ~~offered in this~~

~~State to include~~ **which includes** certain coverage relating to the provision of voluntary health care service; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 7** of this bill authorizes a provider of health care who is licensed or certified in this State or another state or territory of the United States to provide voluntary health care service in this State without charge to the patient if the service is provided in association with a sponsoring organization that is registered with the Health Division of the Department of Health and Human Services. **Section 7** prohibits a provider of health care from providing voluntary health care service under certain circumstances and from accepting compensation for the provision of such service. **Section 8** of this bill requires a sponsoring organization to register with the Health Division and to include with the registration certain information regarding the sponsoring organization. **Section 8** also requires a sponsoring organization to file quarterly reports with the Health Division containing certain information relating to the provision of voluntary health care service by a provider of health care in association with the sponsoring organization. **Section 8** requires the sponsoring organization to maintain a record of such reports for not less than 5 years and to make the reports available for inspection by the Health Division upon reasonable request. **Section ~~44~~ 8.3** of this bill ~~provides that~~ **requires each provider of health care who provides voluntary health care service to obtain or otherwise carry a policy of professional liability insurance ~~delivered, issued for delivery or renewed on or after October 1, 2013, must include coverage for a practitioner who provides voluntary health care service in association with a sponsoring organization.~~ which insures the provider of health care against liability arising from such service. Section 8.7 of this bill requires a provider of health care currently providing voluntary health care service to report certain information to the Health Division relating to disciplinary action and complaints or charges of malpractice. Section 8.7 further requires the provider of health care to submit to the Health Division a complete set of fingerprints for the purpose of conducting a background check under certain circumstances.**

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

**Section 1.** Chapter 629 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, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Health Division" means the Health Division of the Department of Health and Human Services.

Sec. 4. "Sponsoring organization" means an organization that:

1. Organizes or arranges for the provision of voluntary health care service in association with one or more providers of health care; and
2. Is registered with the Health Division pursuant to section 8 of this act.

Sec. 5. "Voluntary health care service" means professional health care service that is provided to a patient by a provider of health care:

1. Without charge to the patient or to a third party on behalf of the patient; and
2. In association with a sponsoring organization.

Sec. 6. The Legislature hereby finds and declares that:

1. Access to high-quality health care service is of concern to all persons;
2. Access to such service is severely limited for some residents of this State, particularly those who reside in remote, rural areas or in the inner city;
3. Physicians and other providers of health care have traditionally worked to ensure broad access to health care service;
4. Many providers of health care from this State and other states or territories of the United States are willing to volunteer their services to address the health care needs of Nevadans who may otherwise not be able to obtain such service; and
5. It is the public policy of this State to encourage and facilitate the provision of voluntary health care service.

Sec. 7. 1. Notwithstanding any provision of law to the contrary and except as otherwise provided in this section, a provider of health care may provide voluntary health care service in this State in association with a sponsoring organization.

2. A provider of health care shall not provide voluntary health care service in this State if:

(a) The professional license or certificate of the provider of health care is suspended or revoked, or has been suspended or revoked within the immediately preceding 5 years, pursuant to disciplinary proceedings in this State or in any other state or territory of the United States; ~~or~~

(b) The voluntary health care service provided is outside the scope of practice authorized by the professional license or certificate of the provider of health care ~~if~~; or

(c) The provider of health care has not actively practiced his or her profession continuously for the immediately preceding 3 years.

3. A provider of health care who provides voluntary health care service pursuant to this section shall not accept compensation of any type, directly or indirectly, or any other benefit or consideration from any person or other source for the provision of the service.

Sec. 8. 1. A sponsoring organization shall, before organizing or arranging for the provision of voluntary health care service in this State, register with the Health Division by submitting to the Health Division a form prescribed by the Health Division which contains:

(a) The name, street address and telephone number of the sponsoring organization;

(b) The name, street address and telephone number of each person who is an officer, director or organizational official of the sponsoring organization and who is responsible for the operation of the sponsoring organization; and

(c) Any other information required for registration by the Health Division.

2. Each sponsoring organization shall:

(a) Notify the Health Division in writing of any change in the information required for registration pursuant to subsection 1 not later than 10 days after the change.

(b) File a report with the Health Division not later than 10 days after the end of each calendar quarter identifying each provider of health care who provided voluntary health care service during the calendar quarter in association with the sponsoring organization. The report filed pursuant to this paragraph must include a copy of the current license or certificate of each provider of health care identified in the report and the date, location and type of service provided by each provider of health care. A sponsoring organization shall maintain a record of each report filed pursuant to this paragraph for a period of not less than 5 years after the date on which the report is filed. Each report maintained pursuant to this paragraph, including copies thereof, must be made available for inspection by the Health Division upon reasonable request.

3. Compliance with this section shall be deemed to be prima facie evidence that a sponsoring organization has exercised due care in selecting a provider of health care to associate with the sponsoring organization to provide voluntary health care service.

4. The Health Division may, after reasonable notice and a hearing, revoke the registration of any sponsoring organization that fails to comply with the requirements of this section.

Sec. 8.3. Each provider of health care who provides voluntary health care service pursuant to sections 2 to 9, inclusive, of this act shall obtain or otherwise carry, before providing such service, a policy of professional

liability insurance which insures the provider of health care against any liability arising from the provision of voluntary health care service by the provider of health care pursuant to sections 2 to 9, inclusive, of this act.

Sec. 8.7. A provider of health care currently providing voluntary health care service pursuant to sections 2 to 9, inclusive, of this act shall:

1. Report to the Health Division:

(a) Any suspension or revocation of a license or certificate of the provider of health care or any other disciplinary action taken against the provider of health care by a regulatory body in another state or territory of the United States; and

(b) Any charge or complaint of malpractice made against the provider of health care or any final disposition of a court with respect to such a charge or complaint of malpractice.

2. If the state or territory of the United States in which the provider of health care is licensed or certified does not require, as a condition of licensure or certification, the submission of fingerprints for a background check by the Federal Bureau of Investigation, submit to the Health Division a complete set of fingerprints and written permission authorizing the Health Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 9. The Health Division shall adopt regulations to carry out the provisions of sections 2 to 9, inclusive, of this act.

Sec. 10. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, music therapist, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist, licensed dietitian or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of sections 2 to 9, inclusive, of this act, the term includes ~~the~~;

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

*(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.*

~~Sec. 11. [Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*Each policy of professional liability insurance delivered, issued for delivery or renewed on or after October 1, 2013, must include coverage for a practitioner who provides voluntary health care service pursuant to sections 2 to 9, inclusive, of this act to the extent that such coverage insures against any liability arising from the provision of voluntary health care service by the insured within the scope of his or her practice.] (Deleted by amendment.)*~~

~~Sec. 12. [NRS 690B.200 is hereby amended to read as follows:~~

~~690B.200 As used in NRS 690B.200 to 690B.370, inclusive, and section 11 of this act, unless the context otherwise requires, the words and terms defined in NRS 690B.210 to 690B.240, inclusive, have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 13. This act becomes effective:~~

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On October 1, 2013, for all other purposes.

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. 231.

Bill read second time.

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

Amendment No. 259.

AN ACT relating to local governing bodies; providing for the filling of vacancies in the membership of certain local governing bodies; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the organization and membership of town boards of unincorporated towns, town advisory boards ~~[,] and~~ boards of directors of local improvement districts ~~, [and boards of trustees of general improvement districts.]~~ (NRS 269.018, 269.576, 269.577, 309.120 ) ~~[, 318.090.]~~ This bill provides that a vacancy in the membership of such a governing body must be filled by appointment by the applicable board of county commissioners.



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

**Section 1.** NRS 245.170 is hereby amended to read as follows:

245.170 Except as otherwise provided by specific statute ~~1, 4~~:

**1. If** a vacancy is declared in any county or township office, except the offices of district judge and county commissioner:

~~1-1~~ **(a)** Thirty days or more before the date of the close of filing of declarations of candidacy specified in NRS 293.177, and the office is not otherwise scheduled for election at the next ensuing biennial election:

~~1(a)~~ **(1)** The board of county commissioners shall appoint a suitable person who is an elector of the county to fill the vacancy until the first Monday of January after the next ensuing biennial election;

~~1(b)~~ **(2)** The office must be placed on the ballot at that election; and

~~1(c)~~ **(3)** The person elected shall serve the remainder of the unexpired term.

~~1-2~~ **(b)** At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the county to serve the remainder of the unexpired term.

**2. If a vacancy is declared in the position of a member of a town board appointed or elected pursuant to the provisions of NRS 269.016 to 269.022, inclusive:**

**(a) Thirty days or more before the date of the close of filing of declarations of candidacy specified in NRS 293.177, and the position is not otherwise scheduled for election at the next ensuing biennial election:**

**(1) The board of county commissioners shall appoint a suitable person who is an elector of the unincorporated town to fill the vacancy until the first Monday of January after the next ensuing biennial election;**

**(2) The position must be placed on the ballot at that election; and**

**(3) The person elected shall serve the remainder of the unexpired term.**

**(b) At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the unincorporated town to serve the remainder of the unexpired term.**

**Sec. 2.** NRS 269.018 is hereby amended to read as follows:

269.018 **1.** Except as otherwise provided in subsection 2, the term of office of a member of the town board is 4 years and begins on the first Monday in January following the general election at which the member is chosen.

**2.** The initial members of the board elected at a general election shall, at the first meeting of the board after their election and qualification, draw lots to determine which members serve terms of 2 years and which serve terms of

4 years. The drawing must result in, as nearly as possible, the election of half of the members of the board at each subsequent election.

**3. A vacancy in the position of a member of a town board must be filled pursuant to the provisions of NRS 245.170.**

**Sec. 3.** NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. The members of a town advisory board serve at the pleasure of the board of county commissioners. If a member is removed, **or if the position of a member otherwise becomes vacant**, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member who was removed.

3. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

4. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

5. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

**Sec. 4.** NRS 269.577 is hereby amended to read as follows:

269.577 1. The board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town. ~~[- and for]~~

(c) *The appointment by the board of county commissioners of a member to serve the unexpired term of ~~the~~ a member ~~[-so]~~ of the town advisory board removed ~~[-]~~ pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.*

2. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

3. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

**Sec. 5.** NRS 309.120 is hereby amended to read as follows:

309.120 1. The officers of such district shall consist of three, five or seven directors as aforesaid, a president and a vice president elected from their number, a secretary and a treasurer. The board may also appoint an assistant secretary who shall exercise such powers and perform such duties of the secretary as may be designated by the board of directors, except that such assistant secretary shall not be invested with authority to sign on behalf of the secretary any bonds of the district. The secretary and treasurer shall be appointed by the board of directors and may or may not be members of the board. Such officers shall serve at the will of the board. One person may be appointed to serve as secretary and treasurer.

2. The directors immediately upon their election and qualification shall meet and organize. The board of directors shall designate some place within the county where the organization of the district was effected as the office of the board, and the board shall hold a regular monthly meeting in its office on such day of the month as that fixed upon by resolution duly entered upon the minutes, and when the time for such a monthly meeting has been fixed, it

cannot again be changed for 12 months, and it can only be changed by resolution passed at least 2 months prior to the time such change will take effect and upon publication in a newspaper of general circulation in the district for at least 2 weeks prior to such change. Should the regular meeting day fall upon a nonjudicial day, such meeting must be held on the first judicial day thereafter.

3. The board of directors shall hold such special meetings as shall be required for the purpose of transaction of business, but all special meetings must be called by the president or a majority of the board. The order calling such special meeting must be entered on the record, and the secretary shall give each member not joining in the order 3 days' notice of such special meeting. The order must specify the business to be transacted at such special meeting, and none other than that specified shall be transacted.

4. Whenever all members of the board are present at a meeting, the same shall be deemed a legal meeting and any lawful business may be transacted. All meetings of the board must be public and a majority of the members constitutes a quorum for the transaction of business, but on all questions requiring a vote there must be an affirmative vote of at least a majority of all the members of the board.

5. All records of the board must be open to the inspection of any elector during business hours.

6. At the regular monthly meeting in January next following their elections, the board of directors shall meet and organize and elect a president and vice president and appoint a secretary and treasurer. The appointees aforesaid shall file bonds, which must be approved by the board, for the faithful performance of their duties.

7. Any vacancies in the offices of directors must be filled from the division in which the vacancy occurs by the remaining members of the board ~~of county commissioners.~~ ***If the board fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs, the board of county commissioners shall fill that vacancy.*** A director appointed to fill a vacancy, as above provided, shall hold office until the next biennial election and until his or her successor is elected and qualified.

**Sec. 6.** ~~NRS 318.090 is hereby amended to read as follows:~~

~~318.090 Except as otherwise provided in NRS 318.0953 and 318.0953:~~

~~1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the county clerk or clerks of the county or counties wherein the district is located within 5 days after their adoption. The official records and files of the district must be kept~~

~~at that office and must be open to public inspection as provided in NRS 239.010.~~

~~2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.~~

~~3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.~~

~~4. Except as otherwise provided in NRS 318.083, three members of the board constitute a quorum at any meeting.~~

~~5. A vacancy on the board must be filled by a qualified elector of the district chosen by the [remaining members of the] board [,] **of county commissioners**, the appointee to act until a successor in office qualifies as provided in NRS 318.080 on or after the first Monday in January next following the next biennial election, held in accordance with NRS 318.083 or 318.095, at which election the vacancy must be filled by election if the term of office extends beyond that first Monday in January. Nominations of qualified electors of the district as candidates to fill unexpired terms of 2 years may be made the same as nominations for regular terms of 4 years, as provided in NRS 318.083 and 318.095. [If the board fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs, the board of county commissioners shall fill that vacancy.]~~

~~6. Each term of office of 4 years terminates on the first Monday in January next following the general election at which a successor in office is elected, as provided in NRS 318.083 or 318.095. The successor's term of office commences then or as soon thereafter as the successor qualifies as provided in NRS 318.080, subject to the provisions in this chapter for initial appointments to a board, for appointments to fill vacancies of unexpired terms and for the reorganizations of districts under this chapter which were organized under other chapters of NRS.] **(Deleted by amendment.)**~~

**Sec. 7.** This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

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

Amendment No. 258.

AN ACT relating to public works; requiring under certain circumstances that any iron or steel products ~~for manufactured goods~~ used or supplied for a public work or in the performance of a contract for a project of the Department of Transportation be manufactured in the United States; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing federal law requires any steel, iron and manufactured products used in certain transportation projects that receive federal funding to be produced in the United States unless: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. (23 U.S.C. § 313) **Sections 4 and 15** of this bill require any iron or steel products ~~for manufactured goods~~ used in this State for a public work or a project of the Department of Transportation to be manufactured in the United States. **Sections 4 and 15** also allow a contractor or subcontractor to apply for a waiver of this requirement if: (1) the use of such ~~materials~~ **products** would be inconsistent with the public interest; (2) such ~~materials~~ **products** are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such ~~materials~~ **products** would increase the cost of the project by more than 25 percent. Further, **sections 4 and 15** allow the public body awarding the contract to waive the requirement after providing notice and an opportunity for public comment by publishing a detailed justification of the waiver.

**Sections 7, 8, 9 and 16** of this bill permanently prohibit a contractor who intentionally mislabels or misrepresents such ~~materials~~ **products** as being manufactured in the United States if they were not so manufactured from bidding on or being awarded a contract for a public work or a project of the Department of Transportation.

**Section 17** of this bill provides that the requirement to use iron or steel products ~~for manufactured goods~~ which are manufactured in the United States ~~apply~~ **applies** to any public work or project of the Department of Transportation that is first advertised for bid on or after July 1, 2013. **Section 17** also declares that any contract for such a public work or project that fails to comply with this bill is void.

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

**Section 1.** Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1. *The Legislature hereby finds that:***

(a) *The production of iron ~~and~~ and steel ~~and manufactured goods~~ products provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;*

(b) *The taxes paid by employers and employees engaged in the production and sale of iron ~~and~~ and steel ~~and manufactured goods~~ products are a large source of public revenues for the country;*

(c) *The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;*

(d) *In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State's infrastructure; and*

(e) *The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.*

2. *The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron ~~and~~ and steel ~~and manufactured goods produced~~ products manufactured in the United States in all contracts for public works.*

Sec. 3. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "manufactured in the United States" means ~~in the case of:~~*

~~1. An iron or steel product, that all manufacturing to produce ~~the~~ an iron or steel product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.~~

~~2. A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.~~

Sec. 4. 1. *Except as otherwise provided in subsection 2, each contract for a public work awarded by a public body must contain a provision requiring that the iron and steel products ~~and manufactured goods~~ used or supplied in the performance of the contract and any subcontract for the public work be manufactured in the United States.*

2. A contractor or subcontractor may apply to the public body for a waiver of the requirements of subsection 1 for a contract or any subcontract for a public work if:

- (a) The requirements would be inconsistent with the public interest;
- (b) Such products ~~and goods~~ are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;
- or
- (c) Inclusion of such products ~~and goods~~ would increase the cost of the contract by more than 25 percent.

3. If a public body receives an application for a waiver pursuant to subsection 2, the public body shall:

- (a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:
  - (1) The application;
  - (2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and
  - (3) All relevant information available to the public body concerning the application; and
- (b) Accept public comment on the application for not less than 30 days.

4. If the public body determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the public body may grant the waiver not less than 30 days after providing the notice and opportunity for public comment required pursuant to subsection 3 by publishing in a newspaper of general circulation in the county in which the public work is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the public body.

**Sec. 5.** NRS 338.0115 is hereby amended to read as follows:

338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:

- (a) Which qualify as a public work pursuant to NRS 338.010; and
- (b) For which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.

2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.0117, 338.013 to 338.090, inclusive, and 338.1373 to 338.148, inclusive, **and sections 2, 3 and 4 of this act** apply to the contract.

**Sec. 6.** NRS 338.1373 is hereby amended to read as follows:



338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 *and section 4 of this act* and:

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive;
- (c) NRS 338.169 to 338.16995, inclusive; or
- (d) NRS 338.1711 to 338.173, inclusive.

2. The provisions of *section 4 of this act and* NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.16995, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

**Sec. 7.** NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

- (a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and
- (b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

- (a) On a specific project; or
- (b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered

by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has ~~not~~ ~~within~~ :

(a) *Within* the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~;~~ ~~or~~ ; *or*

(b) *With respect to any iron or steel product ~~for manufactured good~~ used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product ~~for manufactured good~~ was not manufactured in the United States, as that term is defined in section 3 of this act.*

**Sec. 8.** NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not ~~not~~ *violated paragraph (b) of subsection 8 of NRS 338.1379 or*, within the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117, and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

**Sec. 9.** NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has ~~[, within]~~:

1. *Within* the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[,]~~; *or*

2. *With respect to any iron or steel product ~~[or manufactured good]~~ used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product ~~[or manufactured good]~~ was not manufactured in the United States, as that term is defined in section 3 of this act.*

**Sec. 10.** Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

**Sec. 11. 1. The Legislature hereby finds that:**

(a) *The production of iron ~~[,]~~ and steel ~~[and manufactured goods]~~ products provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;*

(b) *The taxes paid by employers and employees engaged in the production and sale of iron ~~[,]~~ and steel ~~[and manufactured goods]~~ products are a large source of public revenues for the country;*

(c) *The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;*

(d) *In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State's infrastructure; and*

(e) *The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.*

2. *The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron ~~[,]~~ and steel ~~[and manufactured goods produced]~~ products manufactured in the United States in all contracts for projects.*

Sec. 12. As used in sections 11 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 and 14 of this act have the meanings ascribed to them in those sections.

Sec. 13. “Manufactured in the United States” means ~~in the case of~~  
~~1. An iron or steel product,~~ that all manufacturing to produce ~~the~~ an iron or steel product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.  
~~2. A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.]~~

Sec. 14. “Project” means a project for the construction, reconstruction or improvement of a highway.

Sec. 15. 1. Except as otherwise provided in subsection 2, each contract for a project awarded by the Department must contain a provision requiring that the iron and steel products ~~and manufactured goods~~ used or supplied in the performance of the contract and any subcontract for the project be manufactured in the United States.

2. A contractor or subcontractor may apply to the Department for a waiver of the requirements of subsection 1 for a contract or any subcontract for a project if:

- (a) The requirements would be inconsistent with the public interest;
- (b) Such products ~~and goods~~ are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- (c) Inclusion of such products ~~and goods~~ would increase the cost of the contract by more than 25 percent.

3. If the Department receives an application for a waiver pursuant to subsection 2, the Department shall:

(a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:

- (1) The application;
- (2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and

(3) All relevant information available to the Department concerning the application; and

(b) Accept public comment on the application for not less than 30 days.

4. If the Department determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the Department may grant the waiver not less than 30 days after providing the notice and opportunity for public comment pursuant to subsection 3 by

*publishing in a newspaper of general circulation in the county in which the project is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the Department.*

**Sec. 16.** NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has ~~[-, within]~~ :

(a) *Within* the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[-]~~; *or*

(b) *With respect to any iron or steel product ~~for manufactured good~~ used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product ~~for manufactured good~~ was not manufactured in the United States, as that term is defined in section 13 of this act,*

↳ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility,

organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

**Sec. 17.** 1. The amendatory provisions of this act apply to all contracts for public works for which bids are first advertised on or after July 1, 2013.

2. Any contract awarded for a public work or a project to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

↪ is void.

3. As used in this section:

(a) “Contract” has the meaning ascribed to it in NRS 338.010.

(b) “Project” has the meaning ascribed to it in section 14 of this act.

(c) “Public work” has the meaning ascribed to it in NRS 338.010.

**Sec. 18.** 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 12:39 p.m.

#### ASSEMBLY IN SESSION

At 12:40 p.m.

Madam Speaker presiding.

Quorum present.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 508.

AN ACT relating to public works; requiring under certain circumstances that any iron or steel products or manufactured goods used or supplied for a public work or in the performance of a contract for a project of the

Department of Transportation be manufactured in the United States; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing federal law requires any steel, iron and manufactured products used in certain transportation projects that receive federal funding to be produced in the United States unless: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. (23 U.S.C. § 313) **Sections 4 and 15** of this bill require any iron or steel products or manufactured goods used in this State for a public work or a project of the Department of Transportation to be manufactured in the United States. **Sections 4 and 15** also allow a contractor or subcontractor to apply for a waiver of this requirement in a bid for a contract if: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. Further, **sections 4 and 15** allow the public body awarding the contract to waive the requirement when it awards the contract, after providing notice and an opportunity for public comment, by publishing a detailed justification of the waiver. Such a waiver is not allowed to be granted after the contract has been awarded.

**Sections 7, 8, 9 and 16** of this bill permanently prohibit a contractor who intentionally mislabels or misrepresents such materials as being manufactured in the United States if they were not so manufactured from bidding on or being awarded a contract for a public work or a project of the Department of Transportation.

**Section 17** of this bill provides that the requirement to use iron or steel products or manufactured goods which are manufactured in the United States apply to any public work or project of the Department of Transportation that is first advertised for bid on or after July 1, 2013. **Section 17** also declares that any contract for such a public work or project that fails to comply with this bill is void.

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

**Section 1.** Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1. *The Legislature hereby finds that:***

*(a) The production of iron, steel and manufactured goods provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;*

(b) *The taxes paid by employers and employees engaged in the production and sale of iron, steel and manufactured goods are a large source of public revenues for the country;*

(c) *The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;*

(d) *In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State's infrastructure; and*

(e) *The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.*

2. *The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron, steel and manufactured goods produced in the United States in all contracts for public works.*

Sec. 3. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "manufactured in the United States" means, in the case of:*

1. *An iron or steel product, that all manufacturing to produce the product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.*

2. *A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, each contract for a public work awarded by a public body must contain a provision requiring that the iron and steel products and manufactured goods used or supplied in the performance of the contract and any subcontract for the public work be manufactured in the United States.*

2. ~~1.~~ When a bid on a contract for a public work is submitted to a public body, the contractor or subcontractor may apply to the public body for a waiver of the requirements of subsection 1 ~~for a~~ if the contract or any subcontract for ~~the~~ the public work is awarded, if:

(a) *The requirements would be inconsistent with the public interest;*



*(b) Such products and goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or*

*(c) Inclusion of such products and goods would increase the cost of the contract by more than 25 percent.*

**3. If a public body receives an application for a waiver in a bid for a contract for a public work pursuant to subsection 2, the public body shall:**

*(a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:*

*(1) The application;*

*(2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and*

*(3) All relevant information available to the public body concerning the application; and*

*(b) Accept public comment on the application for not less than 30 days.*

**4. If the public body determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the public body may grant the waiver when it awards the contract, but not less than 30 days after providing the notice and opportunity for public comment required pursuant to subsection 3 by publishing in a newspaper of general circulation in the county in which the public work is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the public body. A waiver must not be granted after the contract has been awarded.**

**Sec. 5.** NRS 338.0115 is hereby amended to read as follows:

338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:

*(a) Which qualify as a public work pursuant to NRS 338.010; and*

*(b) For which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.*

2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.0117, 338.013 to 338.090, inclusive, and 338.1373 to 338.148, inclusive, **and sections 2, 3 and 4 of this act** apply to the contract.

**Sec. 6.** NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 **and section 4 of this act** and:

*(a) NRS 338.1377 to 338.139, inclusive;*

- (b) NRS 338.143 to 338.148, inclusive;
- (c) NRS 338.169 to 338.16995, inclusive; or
- (d) NRS 338.1711 to 338.173, inclusive.

2. The provisions of *section 4 of this act and* NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.16995, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

**Sec. 7.** NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has ~~[- within]~~ :

(a) *Within* the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[-]~~; *or*

(b) *With respect to any iron or steel product or manufactured good used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product or manufactured good was not manufactured in the United States, as that term is defined in section 3 of this act.*

**Sec. 8.** NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not ~~[-]~~ *violated paragraph (b) of subsection 8 of NRS 338.1379 or*, within the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117, and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

**Sec. 9.** NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has ~~[- within]~~ :

1. *Within* the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[-]~~; *or*

2. *With respect to any iron or steel product or manufactured good used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of “Made in America” or any inscription with similar meaning, if the iron or steel product or manufactured good was not manufactured in the United States, as that term is defined in section 3 of this act.*

**Sec. 10.** Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

**Sec. 11. 1. The Legislature hereby finds that:**

(a) *The production of iron, steel and manufactured goods provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;*

(b) *The taxes paid by employers and employees engaged in the production and sale of iron, steel and manufactured goods are a large source of public revenues for the country;*

(c) *The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;*

(d) *In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State’s infrastructure; and*

(e) *The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.*

2. *The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron, steel and manufactured goods produced in the United States in all contracts for projects.*

**Sec. 12.** *As used in sections 11 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 and 14 of this act have the meanings ascribed to them in those sections.*

**Sec. 13. “Manufactured in the United States” means, in the case of:**

1. *An iron or steel product, that all manufacturing to produce the product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.*

2. A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.

Sec. 14. "Project" means a project for the construction, reconstruction or improvement of a highway.

Sec. 15. 1. Except as otherwise provided in subsection 2, each contract for a project awarded by the Department must contain a provision requiring that the iron and steel products and manufactured goods used or supplied in the performance of the contract and any subcontract for the project be manufactured in the United States.

2. ~~FA~~ When a bid on a contract for a project is submitted to the Department, the contractor or subcontractor may apply to the Department for a waiver of the requirements of subsection 1 for a contract or any subcontract for ~~FA~~ the project is awarded, if:

- (a) The requirements would be inconsistent with the public interest;
- (b) Such products and goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- (c) Inclusion of such products and goods would increase the cost of the contract by more than 25 percent.

3. If the Department receives an application for a waiver in a bid for a contract for a project pursuant to subsection 2, the Department shall:

- (a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:
  - (1) The application;
  - (2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and
  - (3) All relevant information available to the Department concerning the application; and
- (b) Accept public comment on the application for not less than 30 days.

4. If the Department determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the Department may grant the waiver when it awards the contract, but not less than 30 days after providing the notice and opportunity for public comment pursuant to subsection 3 by publishing in a newspaper of general circulation in the county in which the project is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the Department. A waiver must not be granted after the contract has been awarded.

**Sec. 16.** NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has ~~[-within]~~:

(a) ***Within*** the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[-]~~; ***or***

(b) ***With respect to any iron or steel product or manufactured good used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product or manufactured good was not manufactured in the United States, as that term is defined in section 13 of this act.***

↳ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

**Sec. 17.** 1. The amendatory provisions of this act apply to all contracts for public works for which bids are first advertised on or after July 1, 2013.

2. Any contract awarded for a public work or a project to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

↪ is void.

3. As used in this section:

(a) "Contract" has the meaning ascribed to it in NRS 338.010.

(b) "Project" has the meaning ascribed to it in section 14 of this act.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

**Sec. 18.** This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 264.

Bill read second time and ordered to third reading.

Assembly Bill No. 266.

Bill read second time.

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

Amendment No. 179.

AN ACT relating to veterans; defining the term "veteran" for the purpose of certain privileges and benefits related to military service; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Office of Veterans Services to provide various kinds of assistance to veterans and their families. (NRS 417.020, 417.090) Existing law also provides certain privileges and benefits to veterans, including the establishment and regulation of veterans' homes, the establishment and operation of veterans' cemeteries and programs which provide opportunities for training in actual employment for veterans.

(NRS 417.147, 417.200, 418.045) This bill defines “veteran” for the purpose of establishing who is entitled to these privileges and benefits.

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

**Section 1.** Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

*As used in this title, unless the context otherwise requires, “veteran” means a resident of this State who:*

- ~~1. *Is a citizen of the United States;*~~
- ~~2. *Was regularly enlisted, drafted, inducted or commissioned in the:*~~
  - (a) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;*
  - (b) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or*
  - (c) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States; and*
- ~~3. *Was separated from such service under conditions other than dishonorable.*~~

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

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

Amendment No. 286.

AN ACT relating to minority affairs; **requiring the Interim Finance Committee, the Legislative Commission and state agencies to provide certain reports to the Nevada Commission on Minority Affairs;** requiring the Director of the Department of Business and Industry to provide investigative services to the Ombudsman of Consumer Affairs for Minorities ~~in~~ **in certain circumstances;** revising the duties of the Nevada Commission on Minority Affairs; ~~providing a procedure for the allocation of additional~~



money to the Commission,] and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Nevada Commission on Minority Affairs, provides for the duties of the Commission and requires the Director of the Department of Administration to provide such staff assistance to the Commission as the Governor deems appropriate. (NRS 232.852, 232.860, 232.864) Section 1 of this bill requires the Interim Finance Committee and the Legislative Commission to provide to the Nevada Commission on Minority Affairs any report received by the Interim Finance Committee or the Legislative Commission, respectively, relating to minorities. Section 1 also requires any state agency that prepares a report relating to the social and economic welfare of minorities to provide a copy of the report to the Nevada Commission on Minority Affairs.

Section 2 of this bill revises the duties of the Nevada Commission on Minority Affairs.

Existing law creates the Office of Ombudsman of Consumer Affairs for Minorities within the Office of the Director of the Department of Business and Industry. (NRS 232.845) ~~Section 1.1~~ 1.3 of this bill requires the Director , under certain circumstances, to provide the services of an investigator to the Ombudsman.

~~Existing law also creates the Nevada Commission on Minority Affairs, provides for the duties of the Commission and requires the Director of the Department of Administration to provide such staff assistance to the Commission as the Governor deems appropriate. (NRS 232.852, 232.860, 232.864) Section 2 of this bill revises the duties of the Commission.~~

~~Section 3 of this bill deletes the requirement for staff assistance and authorizes the Commission to employ such staff and personnel as necessary to carry out its duties. Section 3 also requires the Commission to submit annually to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission, and the estimated cost thereof, for the following year. The Director must review and approve or modify the proposal and submit to the Interim Finance Committee the proposal and a request for an allocation to the Commission. The Interim Finance Committee must review the proposal and request and may provide for an amount to be allocated to the Commission for the following fiscal year. On the July 1 after the Interim Finance Committee provides for the allocation, the State Controller must transfer to the budget account of the Commission from the budget account of each entity in the Department an amount equal to that entity's proportionate share of the allocated amount. Each entity's proportionate share is determined by dividing the number of~~

~~full time equivalent positions in the entity by the number of full time equivalent positions in the Department.~~

~~Section 5 of this bill provides for an allocation to the Commission for the period from January 1, 2014, to June 30, 2014, according to the procedure described in section 3.]~~

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

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

**1. The Interim Finance Committee and the Legislative Commission shall provide to the Commission a copy of any report received by the Interim Finance Committee or the Legislative Commission, respectively, relating to minorities.**

**2. Any agency of the State which prepares a report relating to the social and economic welfare of minorities shall provide a copy of the report to the Commission.**

~~[Section 1.]~~ **Sec. 1.3.** NRS 232.845 is hereby amended to read as follows:

232.845 1. The Office of Ombudsman of Consumer Affairs for Minorities is hereby created within the Office of the Director. The Ombudsman shall:

(a) Provide for continued educational, outreach and service programs for minority groups pertaining to consumer fraud; and

(b) Assist the Nevada Commission on Minority Affairs created by NRS 232.852.

2. The Director shall ~~[appoint]~~ :

(a) ***Appoint*** the Ombudsman of Consumer Affairs for Minorities ~~[ ]~~; and

(b) ~~[Provide]~~ ***If the position of investigator is created and filled within the Office of the Director, provide the services of ~~for~~ the investigator to the Ombudsman  ~~]~~ as requested by the Ombudsman.***

3. The Ombudsman of Consumer Affairs for Minorities is:

(a) In the unclassified service of the State.

(b) Directly responsible to the Director.

**Sec. 1.7. NRS 232.850 is hereby amended to read as follows:**

232.850 As used in NRS 232.850 to 232.866, inclusive, **and section 1 of this act,** unless the context otherwise requires, “Commission” means the Nevada Commission on Minority Affairs created by NRS 232.852.

**Sec. 2.** NRS 232.860 is hereby amended to read as follows:

232.860 The Commission shall, within the limits of available money:

1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;

2. Collect and disseminate information on :

(a) *Business* activities, programs and essential services available to minorities in the State of Nevada; **and**

(b) *The procurement of goods and services by state and local governments from businesses that are owned by minorities;*

3. *Collect information on the employment of minorities in the State of Nevada and provide that information to agencies of the State whose duties relate to training and employment;*

4. Study the:

(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing for minorities;

~~{4.}~~ 5. In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:

(a) The laws of this State that prohibit discriminatory practices; and

(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;

~~{5.}~~ 6. To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;

~~{6.}~~ 7. Advise the Governor on matters relating to minorities and of concern to minorities; and

~~{7.}~~ 8. Recommend proposed legislation to the Governor.

Sec. 3. ~~{NRS 232.864 is hereby amended to read as follows:~~

~~232.864 1. [The Director of the Department of Administration shall provide staff assistance to the Commission as the Governor deems appropriate.~~

~~2.] The Commission may [engage] :~~

~~(a) Employ such staff and personnel as necessary to carry out its duties; and~~

~~(b) Engage the services of volunteer workers and consultants without compensation as is necessary from time to time.~~

~~2. On or before March 1 of each year, the Commission shall submit to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission for the following fiscal year. The proposal must include a description of the proposed programs and the estimated cost of those programs.~~

~~3. On or before April 1 of each year, the Director shall:~~

~~(a) Review the proposal submitted pursuant to subsection 2;~~

~~(b) Approve or modify the proposal; and~~

~~(e) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee the approved or modified proposal and a request for an allocation to the Commission for the following fiscal year pursuant to subsection 5.~~

~~1. On or before June 30 of each year, the Interim Finance Committee:~~

~~(a) Shall review the proposal and request submitted pursuant to subsection 3; and~~

~~(b) May by resolution establish an amount to be allocated to the Commission for the following fiscal year pursuant to subsection 5.~~

~~5. On July 1 of each year, the State Controller shall transfer to the budget account of the Commission from the budget account of each entity listed or described in subsection 2 of NRS 232.510 an amount equal to that entity's proportionate share of the amount established pursuant to subsection 4 to be allocated to the Commission. Each entity's proportionate share must be determined by dividing the number of full-time equivalent positions in the entity as of the immediately preceding July 1 by the total number of full-time equivalent positions in the Department of Business and Industry as of the immediately preceding July 1.~~

~~6. Any amount allocated to the Commission pursuant to this section must be in addition to the amount set forth for the Commission in the legislatively approved budget for the biennium of which that fiscal year is a part.~~ **(Deleted by amendment.)**

Sec. 4. ~~NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 232.864, subsection 5 of NRS 284.115, NRS 284.1729, 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public~~

~~Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~—(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~—(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~—(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.] **(Deleted by amendment.)**~~

**Sec. 5.** ~~[1. On or before September 1, 2013, the Nevada Commission on Minority Affairs shall submit to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission for the period beginning January 1, 2014, and ending June 30, 2014. The proposal must include a description of the proposed programs and the estimated cost of those programs.~~

~~—2. On or before October 1, 2013, the Director shall:~~

~~—(a) Review the proposal submitted pursuant to subsection 1;~~

~~—(b) Approve or modify the proposal; and~~

~~—(c) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee the approved or modified proposal and a request for an allocation to the Commission for the period beginning January 1, 2014, and ending June 30, 2014, pursuant to subsection 4.~~

~~—3. On or before December 31, 2013, the Interim Finance Committee:~~

~~—(a) Shall review the proposal and request submitted pursuant to subsection 2; and~~

~~—(b) May by resolution establish an amount to be allocated to the Commission for the period beginning January 1, 2014, and ending June 30, 2014, pursuant to subsection 4.~~

~~—4. On January 1, 2014, the State Controller shall transfer to the budget account of the Commission from the budget account of each entity listed or described in subsection 2 of NRS 232.510 an amount equal to that entity's proportionate share of the amount established pursuant to subsection 3 to be allocated to the Commission. Each entity's proportionate share must be determined by dividing the number of full-time equivalent positions in the entity as of July 1, 2013, by the total number of full-time equivalent positions in the Department of Business and Industry as of July 1, 2013.~~

~~—5. Any amount allocated to the Commission pursuant to this section must be in addition to the amount set forth for the Commission in the legislatively approved budget for the biennium beginning July 1, 2013.] **(Deleted by amendment.)**~~

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

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

Amendment No. 298.

AN ACT relating to emergency medical services; requiring a host organization of a special event to provide emergency medical personnel and emergency medical services at the site of the special event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law governs the provision of emergency medical services to persons in this State. (Chapter 450B of NRS) **Sections 11-13** of this bill require the host organization of a special event that is projected to be attended or observed by 2,500 or more persons to provide a first-aid station at the site of the special event and a dedicated advanced life support ambulance if certain factors apply to the special event. **The definition of "special event" set forth in section 10 of this bill excludes a scheduled activity or event which is held at a location that: (1) is designed to host certain scheduled activities and events; and (2) has permanently established methods of providing first-aid or emergency medical services at the location.** **Section 6** of this bill defines a "host organization" as the person who obtained the permit for the special event or, if a permit was not obtained for the special event, the person who sponsored the special event. **Sections 11-13** further require the host organization of a special event to provide medical personnel at the site of the special event. The number of first-aid stations, dedicated advanced life support ambulances and medical personnel and the level of skill of the medical personnel required varies based on the number of persons who are projected to attend or observe the special event and certain other factors.

Existing law provides that a violation of the provisions which govern emergency medical services is a misdemeanor. Existing law further authorizes the Health Division of the Department of Health and Human Services to impose an administrative penalty against any person who violates those provisions. (NRS 450B.900) Those penalties are applicable to a violation of the provisions of **sections 11-13**.

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

**Section 1.** Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

**Sec. 2.** *“Automated external defibrillator” or “defibrillator” means a medical device that:*

*1. Has been approved by the United States Food and Drug Administration;*

*2. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;*

*3. Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;*

*4. Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient’s heart; and*

*5. Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient’s heart.*

**Sec. 3.** *As used in sections 3 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~3~~ 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 4.** *“Dedicated advanced life support ambulance” means an ambulance equipped to provide advanced life support that:*

*1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and*

*2. Is staffed by:*

*(a) At least one advanced emergency medical technician and intermediate emergency medical technician; or*

*(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a).*

**Sec. 5.** *“First-aid station” means a fixed location at the site of a special event that is staffed by at least one emergency medical technician or a person with a higher level of skill who is capable of providing emergency medical care within his or her scope of practice.*

**Sec. 6.** *“Host organization” means:*

*1. If a permit was obtained for a special event, the person who obtained the permit; or*

*2. If a permit was not obtained for a special event, the person who sponsored the special event.*

Sec. 7. “Roving emergency medical technician team” means a team at the site of a special event that:

1. Consists of two or more emergency medical technicians, intermediate emergency medical technicians or advanced emergency medical technicians; and

2. Has the medical supplies necessary to provide emergency medical care.

Sec. 8. “Roving intermediate emergency medical technician team” means a roving emergency medical team that consists of two or more intermediate emergency medical technicians or advanced emergency medical technicians.

Sec. 9. “Significant number” means, with regard to:

1. Contacts by emergency medical personnel with persons who attended or observed a special event, the number of contacts is 0.07 percent or more of the total number of persons who attended or observed the special event; and

2. Patients transported to a hospital, the number of patients transported from the special event to the hospital by ambulance or private vehicle is 15 percent or more of the total number of contacts at the special event by emergency medical personnel with persons who attended or observed the special event.

Sec. 10. “Special event” means a scheduled activity or event, including, without limitation, a concert or sporting event, that is projected to be attended or observed by 2,500 or more persons. The term does not include a scheduled activity or event held at a location which is designed to host concerts, sporting events, conventions, trade shows and any other similar events and which has permanently established methods for providing first-aid or emergency medical services at the location.

Sec. 11. 1. If a special event is projected to be attended or observed by 2,500 or more persons but less than 10,000 persons, the host organization shall provide at least one first-aid station at the site of the special event if:

(a) The special event is a concert; or

(b) Three or more of the following factors apply to the special event:

(1) The special event involves a high-risk activity, including, without limitation, sports or racing.

(2) The special event poses environmental hazards to persons attending or observing the special event or is held during a period of extreme heat or cold.

(3) The average age of the persons attending or observing the special event is less than 25 years of age or more than 50 years of age.



(4) *A large number of the persons attending or observing the special event have acute or chronic illnesses.*

(5) *Alcohol is sold at the special event or, if the special event has been held before, there is a history of alcohol or drug use by the persons who attended or observed the special event in the past.*

(6) *The density of the number of persons attending or observing the special event increases the difficulty regarding:*

(I) *Access to the persons who are attending or observing the special event who require emergency medical care; or*

(II) *The transfer of those persons who require emergency medical care to an ambulance.*

2. *If the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and the special event is projected to be attended or observed by 10,000 or more persons but less than 15,000 persons, the host organization shall:*

(a) *Provide at least one first-aid station at the site of the special event and equip the first-aid station with an automated external defibrillator; and*

(b) *Provide a roving emergency medical technician team at the site of the special event.*

3. *If the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and the special event is projected to be attended or observed by 15,000 or more persons but less than 50,000 persons, the host organization shall:*

(a) *Provide at least one first-aid station at the site of the special event and staff the first-aid station with at least one registered nurse, licensed practical nurse or advanced emergency medical technician in lieu of an emergency medical technician; and*

(b) *Provide two or more roving intermediate emergency medical technician teams at the site of the special event.*

Sec. 12. 1. *If a special event is projected to be attended or observed by 2,500 or more persons but less than 15,000 persons, the host organization shall provide at least one dedicated advanced life support ambulance at the special event if the special event:*

(a) *Is located more than 5 miles from the closest hospital; or*

(b) *Has been held before and there is a history of a significant number of:*

(1) *Contacts by emergency medical personnel with persons who attended or observed the special event to provide emergency medical care to those persons; or*

(2) *Persons who attended or observed the special event who were transported as patients from the special event to a hospital.*

2. *If the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and the special event is projected to be attended or observed by 15,000 or more persons but less than 50,000 persons, the host organization shall provide at least two dedicated advanced life support ambulances at the special event.*

**Sec. 13.** *If a special event is projected to be attended or observed by 50,000 or more persons, the host organization shall provide:*

1. *Two or more first-aid stations at the site of the special event ~~that are each staffed by at least one physician~~;*

2. *Two or more physicians licensed pursuant to chapter 630 or 633 of NRS;*

~~2.~~ 3. *Two or more roving emergency medical technician teams; and*

~~3.~~ 4. *Two or more dedicated advanced life support ambulances.*

**Sec. 14.** NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

**Sec. 15.** NRS 450B.595 is hereby repealed.

#### TEXT OF REPEALED SECTION

**450B.595 “Automated external defibrillator” and “defibrillator” defined.** As used in NRS 450B.595 to 450B.620, inclusive, unless the context otherwise requires, “automated external defibrillator” or “defibrillator” means a medical device that:

1. Has been approved by the United States Food and Drug Administration;

2. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;

3. Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;

4. Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient’s heart; and

5. Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient’s heart.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

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

Amendment No. 180.

AN ACT relating to the Public Employees' Benefits Program; revising provisions relating to the subsidy for coverage of certain retired persons under the Program; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the payment of a subsidy to cover a portion of the cost of the coverage provided through the Public Employees' Benefits Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., which is commonly known as Medicare, to persons who were initially hired before January 1, 2012, and who retire with state service. The amount of this subsidy is established by the Legislature each biennium. (NRS 287.046; section 2 of chapter 421, Statutes of Nevada 2011, at pp. 2574-75) This bill authorizes the Board of the Public Employees' Benefits Program to approve the payment of an additional amount ~~[from any source, such as excess reserves,]~~ to increase the subsidy of such retired persons above the amount established by the Legislature for the biennium ~~for~~ **from any money that is available for that purpose, such as excess reserves.**

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

**Section 1.** NRS 287.046 is hereby amended to read as follows:

287.046 1. The Department of Administration shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who were initially hired before January 1, 2012, and have retired with state service.

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon a base amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 5.

3. Except as otherwise provided in subsections 7 and 8, the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to

the Program from the Retirees' Fund for persons who retired before January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.

5. Except as otherwise provided in subsection 6, adjustments to the portion of the amount approved by the Legislature as described in subsection 2 to be paid by the Retirees' Fund for persons who retire on or after January 1, 1994, with state service must be as follows:

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

(b) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

6. The portion to be paid to the Program from the Retirees' Fund on behalf of a retired person whose coverage is provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., must be:

(a) For persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15.

(b) For persons who retired on or after January 1, 1994, the base funding level defined by the Legislature multiplied by the number of years of service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of 20 years of service.

***↪ The Board may approve the payment of an additional amount ~~from any source, for a portion of the cost of premiums or contributions for the Program for~~ to retired persons described in this subsection that is in excess of the amount paid pursuant to paragraph (a) or (b), or both, for those persons ~~from any money that is available for that purpose.~~***

7. No money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State:

(a) On or after January 1, 2010, but before January 1, 2012, and who:

(1) Has not participated in the Program on a continuous basis since retirement from such employment; or

(2) Does not have at least 15 years of service, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as a result of a disability for which

disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and has participated in the Program on a continuous basis since retirement from such employment.

(b) On or after January 1, 2012. The provisions of this paragraph must not be construed to prohibit a retired person who was hired on or after January 1, 2012, from participating in the Program until the retired person is eligible for coverage under an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq. The retired person shall pay the entire premium or contribution for his or her participation in the Program.

8. If the amount calculated pursuant to subsection 5 or 6 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

9. For the purposes of this section:

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

10. The Department shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time and ordered to third reading.

Assembly Bill No. 324.

Bill read second time.

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

Amendment No. 273.

AN ACT relating to dental assistants; ~~prohibiting a person from acting as a dental assistant except under certain circumstances;~~ providing for issuance by the Board of Dental Examiners of Nevada of a certificate of registration as a dental assistant ~~and~~ **and a certificate of registration as a certified dental assistant; prohibiting a person from acting as a dental assistant or certified dental assistant unless the person holds the appropriate**

certificate issued by the Board; providing that a dental assistant or ~~registered~~ certified dental assistant may perform only certain acts authorized by the Board and under the direct supervision of a licensed dentist or dental hygienist; setting forth certain requirements for the issuance and renewal of a certificate of registration as a dental assistant ~~or~~ or a certificate of registration as a certified dental assistant; requiring the Board to adopt certain regulations; establishing certain fees; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the licensing and regulation of dentists and dental hygienists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) This bill provides for the registration and regulation of dental assistants and ~~registered~~ certified dental assistants by the Board. **Section 4** of this bill provides that a dental assistant or ~~registered~~ certified dental assistant may perform only the intraoral tasks and dental procedures authorized by the Board and only under the direct supervision of a licensed dentist or dental hygienist. **Section 5** of this bill prohibits a person from acting as a dental assistant in this State unless the person ~~provides to the Board certain information relating to his or her qualifications.~~ holds a certificate of registration as a dental assistant. Section 5 also sets forth the requirements for the issuance by the Board of a certificate of registration as a dental assistant, and provides that a certificate of issuance and may be renewed biennially. **Section 6** of this bill prohibits a person from acting as a ~~registered~~ certified dental assistant in this State unless the person holds a certificate of registration as a certified dental assistant. **Section 6** also sets forth the requirements for the issuance by the Board of a certificate of registration as a certified dental assistant, and provides that a certificate of registration as a certified dental assistant expires 2 years after the date of issuance and may be renewed biennially. **Section 7** of this bill sets forth the continuing education requirements for renewal of a certificate of registration as a dental assistant ~~or~~ or as a certified dental assistant. **Section 8** of this bill requires the Board to adopt regulations necessary to carry out the provisions of this bill, and **section 14** of this bill requires the Board to adopt rules or regulations specifying the intraoral tasks and dental procedures which a dental assistant or ~~registered~~ certified dental assistant may perform. Section 15.5 of this bill specifies the initial application fee for the issuance of a certificate of registration as a dental assistant or certified dental assistant.

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 the provisions set forth as sections ~~1.5~~ 1.5 to 9, inclusive, of this act.

**Sec. 1.5.** “Certified dental assistant” means a person who assists a dentist or dental hygienist in the performance of dental procedures and to whom the Board has issued a certificate of registration as a certified dental assistant pursuant to section 6 of this act.

**Sec. 2.** “Dental assistant” means a person who assists a dentist or dental hygienist in the performance of dental procedures ~~and~~ and to whom the Board has issued a certificate of registration as a dental assistant pursuant to section 5 of this act.

**Sec. 3.** ~~“Registered dental assistant” means a person to whom the Board has issued a certificate of registration as a dental assistant pursuant to section 6 of this act.~~ (Deleted by amendment.)

**Sec. 4.** A dental assistant or ~~registered~~ certified dental assistant may perform only those intraoral tasks and dental procedures authorized by the Board pursuant to the rules and regulations adopted pursuant to NRS 631.317 and only under the direct supervision of a licensed dentist or dental hygienist.

**Sec. 5. 1.** A person shall not act as a dental assistant in this State unless the person ~~presents~~ holds a current certificate of registration as a dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a dental assistant by submitting an application to the Board.

**2.** The Board may issue a certificate of registration as a dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the ~~person~~ applicant:

(a) Is of good moral character;  
(b) Is 16 years of age or older;  
(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(d) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto; ~~and~~

~~(b)~~ (e) Has successfully completed a course of study in radiation safety and techniques that is approved by the Board ~~and~~

~~2. Not less frequently than every 2 years, a dental assistant shall provide proof satisfactory to the Board that the dental assistant has completed~~

~~(a) A course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and~~

~~(b) Four hours of continuing education relating to~~;

~~(f) Has successfully completed a course of study in infection control procedures that is approved by the Board; and~~

~~(g) Meets any other requirements for the issuance of a certificate of registration as a dental assistant established by the Board by regulation.~~

3. A certificate of registration as a dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.

4. In determining whether an applicant is of good moral character, the Board may consider whether:

(a) The applicant has, on or after July 1, 2015, performed any act as a dental assistant in this State without a certificate of registration as a dental assistant issued by the Board;

(b) The applicant's license or registration as a dental assistant in another state has been suspended or revoked; and

(c) The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant in another state.

Sec. 6. 1. A person shall not act as a ~~registered~~ certified dental assistant in this State unless the person holds a current certificate of registration as a certified dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a certified dental assistant by submitting an application to the Board.

2. The Board ~~shall~~ may issue a certificate of registration as a certified dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the applicant:

(a) Is of good moral character;

(b) Is 18 years of age or older;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(d) Holds a current certification issued by the Dental Assisting National Board, Inc., or its successor organization;

(e) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto; and

~~(f) Has successfully completed a course of study in radiation safety and techniques that is approved by the Board; and~~



~~(g)~~ *Meets any other requirements for the issuance of a certificate of registration as a certified dental assistant established by the Board by regulation.*

3. *A certificate of registration as a certified dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.*

4. *In determining whether an applicant is of good moral character, the Board may consider whether:*

(a) *The applicant has, on or after July 1, ~~2014,~~ 2015, performed any act as a ~~registered~~ certified dental assistant in this State without a certificate of registration as a ~~registered~~ certified dental assistant issued by the Board;*

(b) *The applicant's license or registration as a dental assistant or certified dental assistant in another state has been suspended or revoked; and*

(c) *The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant or certified dental assistant in another state.*

Sec. 7. 1. *Any person wishing to renew a certificate of registration as a dental assistant or a certificate of registration as a certified dental assistant must present proof satisfactory to the Board that during the 2 years immediately preceding the date of renewal, the ~~registered~~ dental assistant or certified dental assistant has successfully completed:*

(a) *A course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and*

(b) *Four hours of continuing education relating to infection control procedures.*

2. *All persons who have satisfied the requirements for the issuance of a certificate of registration as a dental assistant or a certificate of registration as a certified dental assistant must be registered as dental assistants or certified dental assistants, as applicable, on the board register, as provided in this chapter, and are entitled to receive a certificate of registration as a dental assistant ~~or~~ or a certificate of registration as a certified dental assistant, as applicable, signed by all members of the Board.*

Sec. 8. *The Board shall adopt such regulations as it determines necessary to carry out the provisions of sections ~~2~~ 1.5 to 9, inclusive, of this act.*

Sec. 9. ~~*The Board may suspend or revoke a certificate of registration as a*~~ *A dental assistant ~~for issue a reprimand to a registered dental assistant if the board determines that the registered~~ or certified dental assistant ~~has violated~~ shall not violate any provision of ~~sections 2 to 9,~~*

~~inclusive, of this act~~ this chapter or any regulation adopted pursuant thereto.

**Sec. 10.** NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, **and sections 1.5 and 2 ~~and 3~~ of this act** have the meanings ascribed to them in those sections.

**Sec. 11.** NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~{2}~~ 3 of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist, ~~or~~ dental hygienist **or dental assistant** of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

**Sec. 12.** NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry or dental hygiene **or a certificate of registration as a dental assistant or certified dental assistant** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry or dental hygiene **or a certificate of registration as a dental assistant or certified dental assistant** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~{;} or certificate of registration;~~ or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry or dental hygiene **or a certificate of registration as a dental assistant or certified dental assistant** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 13.** NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, ~~registered~~ certified dental assistant, *dental assistant* or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist ~~or registered~~ certified dental assistant, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

*(c) If performed by a ~~registered~~ certified dental assistant, under the direct supervision of a licensed dentist or dental hygienist.*

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, conscious sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

**Sec. 14.** NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist ~~for dental assistant~~ in his or her employ or that may be performed by a dental hygienist engaged in school health activities or employed by a public health agency.

2. *Specifying the intraoral tasks and dental procedures that may be assigned by a licensed dentist to and performed by a dental assistant or ~~registered~~ certified dental assistant in his or her employ.*

3. Governing the practice of dentists, ~~and~~ dental hygienists, ~~registered~~ certified dental assistants and dental assistants in full-time employment with the State of Nevada.

**Sec. 14.5.** NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry .....	\$1,500
Application fee for an initial license to practice dental Hygiene.....	750
Application fee for a specialist’s license to practice Dentistry .....	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene .....	300
<u>Application fee for an initial certificate of registration as a dental assistant.....</u>	<u>100</u>
<u>Application fee for an initial certificate of registration as a certified dental assistant .....</u>	<u>200</u>
Fee for administering a clinical examination in dentistry.....	2,500
Fee for administering a clinical examination in dental Hygiene.....	1,500
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation .....	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation.....	500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	600
Fee for the inspection of a facility required by the Board to	

renew a permit to administer general anesthesia, conscious sedation or deep sedation..... 350

Biennial license renewal fee for a general license, specialist’s license, temporary license or restricted geographical license to practice dentistry ..... 1,000

Annual license renewal fee for a limited license or restricted license to practice dentistry ..... 300

Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene..... 600

Annual license renewal fee for a limited license to practice dental hygiene..... 300

Biennial license renewal fee for an inactive dentist ..... 400

Biennial license renewal fee for a dentist who is retired or has a disability ..... 100

Biennial license renewal fee for an inactive dental hygienist..... 200

Biennial license renewal fee for a dental hygienist who is retired or has a disability ..... 100

Reinstatement fee for a suspended license to practice dentistry or dental hygiene..... 500

Reinstatement fee for a revoked license to practice dentistry or dental hygiene ..... 500

Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status..... 500

Fee for the certification of a license ..... 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

**Sec. 15.** NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry or dental hygiene ~~or~~ or a certificate of registration as a dental assistant ~~or~~ or certified dental assistant, the Board shall deem the license or certificate of registration issued to that person to be suspended at the end of the 30th day after the date

on which the court order was issued unless the Board receives a letter issued to the holder of the license *or certificate of registration* by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license *or certificate of registration* has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry or dental hygiene *or a certificate of registration as a dental assistant or certified dental assistant* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license *or certificate of registration* was suspended stating that the person whose license *or certificate of registration* was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license *or certificate of registration* was suspended pays ~~the~~ *any applicable* fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license ~~or~~ *certificate of registration*.

**Sec. 16.** This act becomes effective:

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

2. On July 1, ~~2014,~~ **2015**, for all other purposes.

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. 331.

Bill read second time.

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

Amendment No. 279.

AN ACT relating to health care; revising provisions governing the billing practices of certain providers of health care; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law defines the term "health care plan" as a policy, contract, certificate or agreement offered or issued by an insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services. (NRS 679B.520) Existing law further defines the term "provider of health

care” for the purposes of chapter 629 of NRS which govern the healing arts generally. (NRS 629.031)

**Section 1** of this bill provides that after a patient provides certain information to a provider of health care for the purpose of paying ~~any portion of any charge~~ **for a service** which has been or may be ~~incurred by~~ **rendered to** the patient: (1) the provider of health care is required to ~~immediately return a copy~~ **maintain a record** of the information ~~to~~ **provided by** the patient; and (2) if the provider of health care fails to ~~properly and timely~~ submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care is prohibited from requesting or requiring certain payments from the patient.

**Section 1** further: (1) limits the applicability of the provisions prohibiting a provider of health care from requesting or requiring certain payments from a patient so that the provider of health care may request or require such payments if the patient causes the ~~claim~~ **provider of health care to be** ~~improperly or untimely submitted by the provider of health care~~ **submit the claim in a manner which violates the terms of the health care plan;** and (2) provides that any provision of an agreement between a patient and a provider of health which conflicts with the provisions set forth in that section is void.

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

**Section 1.** Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. After a patient provides to a provider of health care, and the provider of health care accepts from the patient, any information regarding a health care plan for the purpose of paying ~~a portion of any charge~~ for a service which has been or may be ~~incurred by~~ rendered to the patient:*

*(a) The provider of health care shall ~~immediately return a copy~~ maintain a record of the information ~~to~~ provided by the patient; and*

*(b) If the provider of health care fails to ~~properly and timely~~ submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care shall not request or require payment from the patient of any portion of the charge beyond the portion of the charge which the patient would have been required to pay pursuant to the terms of the health care plan if the provider of health care had ~~properly and timely~~ submitted the claim for payment ~~to~~ pursuant to the terms of the health care plan.*

*2. The provisions of paragraph (b) of subsection 1 do not apply to a claim if the patient provides information to the provider of health care*

which is inaccurate, outdated or otherwise causes ~~the claim to be improperly or untimely submitted by~~ the provider of health care ~~to~~ submit the claim in a manner which violates the terms of the health care plan.

3. Any provision of any agreement between a patient and a provider of health care which conflicts with the provisions of this section is void.

4. As used in this section, “health care plan” has the meaning ascribed to it in NRS 679B.520.

**Sec. 2.** This act applies only to ~~agreements~~ **services rendered pursuant to an agreement** entered into on or after October 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. 338.

Bill read second time and ordered to third reading.

Assembly Bill No. 351.

Bill read second time and ordered to third reading.

Assembly Bill No. 356.

Bill read second time.

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

Amendment No. 283.

SUMMARY—Encourages the development of ~~a plan~~ **recommendations** to preserve the Nevada State Prison for historic and certain other purposes. (BDR S-493)

AN ACT relating to the Nevada State Prison; encouraging the development of ~~a plan~~ **recommendations** to preserve the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

This bill encourages the development of ~~a plan~~ **recommendations** for the preservation of the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada.

WHEREAS, The Nevada State Prison located on East Fifth Street in Carson City was originally built in 1860 by pioneer Abraham Curry as the Warm Springs Hotel; and

WHEREAS, The landmark prison was established in 1862 by the Nevada Territorial Legislature and administered by Abraham Curry at the site of the



Warm Springs Hotel, and thus represents the first executive agency created in the State of Nevada; and

WHEREAS, The sandstone quarry on the site contributed to the construction of state, city and private buildings during the early history of the State of Nevada and Carson City, including the Capitol Building, the United States Mint, the Virginia and Truckee Railroad engine house and many other public and private buildings; and

WHEREAS, The lands and grounds of the prison are known to contain unique specimens of extinct species and the legend of *Homo Nevadensis*; and

WHEREAS, The first lethal gas execution chamber in the world was designed and used at the prison and is currently active; and

WHEREAS, The prison has a well-established and colorful history as a maximum security prison, replete with riots, escapes, gangs, executions, musicians, gambling and Hollywood filming, all of which provide intriguing historical value; and

WHEREAS, The history of the manufacture of Nevada's license plates ~~are~~ is integral to the prison; and

WHEREAS, The Nevada State Prison was decommissioned in May of 2012 and is likely to fall into a state of disrepair without continued maintenance and upkeep; and

WHEREAS, Efforts are underway to establish the historic sections of the prison as a site listed on the National Register of Historic Places; now, therefore,

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

**Section 1.** The Nevada Legislature hereby finds and declares:

1. That the Nevada State Prison is an integral part of the history of the State of Nevada, particularly with respect to Carson City and the early development of this State, and should be preserved as a historic place.

2. That Carson City, any nonprofit organization and any other interested stakeholder are encouraged to work cooperatively with the **Department of Corrections, the Office of Historic Preservation of the State Department of Conservation and Natural Resources and the State Land Registrar** to:

(a) Develop ~~the plan~~ **recommendations** for the preservation, development and use of the Nevada State Prison as a historical, educational and scientific resource for the State of Nevada; and

(b) Present the ~~plan~~ **recommendations** to the Nevada Legislature along with any recommendations for legislation that may be necessary to fully implement the ~~plan~~ **recommendations**.

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time and ordered to third reading.

Assembly Bill No. 436.

Bill read second time.

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

Amendment No. 275.

SUMMARY—Revises provisions governing the regulation of public utilities which furnish, for compensation, any water for municipal, industrial or domestic purposes ~~[,]~~, **or services for the disposal of sewage, or both.** (BDR 58-1196)

AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to ~~[consider]~~ **adopt regulations specifying** certain information **which the Commission will consider** in reviewing certain **requests included in** applications and plans submitted to the Commission by a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes ~~[, requiring the Commission to adopt regulations which authorize such a public utility to recover an amount based on the effects of the implementation of a plan of water conservation; requiring the Commission to adopt regulations which authorize such a public utility to recover, outside of a general rate application, certain costs relating to the planning, acquisition or construction of certain utility facilities;]~~, **or services for the disposal of sewage, or both;** and providing other matters properly relating thereto.

#### Legislative Counsel's Digest:

Existing law requires a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes to adopt a plan of water conservation approved by the Public Utilities Commission of Nevada. (NRS 704.662, 704.6622) **Section 2** of this bill requires the Commission ~~[,]~~ **to adopt regulations specifying the information the Commission will consider** when reviewing ~~[a plan of water conservation, reviewing]~~: **(1) a request included with** a rate application ~~[for approving a rate imposed]~~ **submitted** by ~~[such]~~ a public utility ~~[, to consider any information submitted by the public utility which demonstrates]~~ **which furnishes, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, to recover an amount based on** the anticipated effects ~~[on the recovery of costs by the public utility as a result]~~ of implementing a plan of water conservation ~~[, Section 3 of this~~

~~bill requires the Commission to adopt regulations authorizing a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes to: (1) recover an amount based on the measurable and verifiable effects of the implementation of a plan of water conservation, which must include any financial disincentives caused or created by the reasonable implementation of the plan of water conservation; and (2) recover, outside of a general rate application, all just and reasonable costs of planning, acquiring or constructing a utility facility which the Commission determines is a prudent investment.]; (2) a request included with a rate application submitted by such a public utility to recover the costs of providing service without regard to the difference in the quantity of water actually sold by the public utility; and (3) a request included in a resource plan, an amendment to such a plan or certain other filings submitted by certain public utilities which furnish, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, to impose a surcharge for the purpose of funding and encouraging investment in infrastructure in the period between the filing of rate cases by the public utility. Section 2 provides that the imposition of such a surcharge is not subject to the provisions of existing law governing applications to make changes in any schedule.~~

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

**Section 1.** Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *The Commission shall ~~not~~ adopt regulations specifying the information the Commission will consider:*

*1. In reviewing a request included in an application to make changes in any schedule submitted pursuant to NRS 704.110 ~~[ reviewing a plan of water conservation submitted pursuant to NRS 704.6622 or approving any rate imposed]~~ by a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes, ~~consider any information submitted by the public utility which demonstrates]~~ or services for the disposal of sewage, or both, to recover an amount based on the anticipated effects ~~[on the recovery of costs by the public utility as a result]~~ of implementing a plan of water conservation, including, without limitation, the anticipated effects of decreased consumption of water by customers of the public utility as the result of the implementation of a plan for water conservation or the charging of ~~[variable]~~ rates to encourage water conservation ~~];~~*

*2. In reviewing a request included in an application to make changes in any schedule submitted pursuant to NRS 704.110 by a public utility*

which furnishes, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, to recover the costs of providing service without regard to the difference in the quantity of water actually sold by the public utility by taking into account the adjusted and annualized quantity of water sold during a test year and the growth in the number of customers of the public utility; and

3. In reviewing a request included in a plan or amendment to a plan submitted pursuant to NRS 704.661 by a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, and which had an annual gross operating revenue of \$1,000,000 or more for at least 1 year during the immediately preceding 3 years or, if the public utility is authorized to follow the simplified procedures or methodologies for a change of rates pursuant to NRS 704.095, made in such other form as prescribed by the Commission, to impose a surcharge for the purpose of funding and encouraging investment in infrastructure in the period between the filing of rate cases by the public utility. The imposition of any such surcharge approved by the Commission is not subject to the provisions of NRS 704.110.

Sec. 3. ~~[The Commission shall adopt regulations authorizing a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes:~~

~~1. To recover an amount based on the measurable and verifiable effects of the implementation by the public utility of a plan of water conservation approved by the Commission pursuant to NRS 704.6622, which must include any financial disincentives caused or created by the reasonable implementation of the plan of water conservation; and~~

~~2. To recover, outside of a general rate application filed pursuant to NRS 704.110, all just and reasonable costs of planning, acquiring or constructing a utility facility which the Commission determines is a prudent investment.] (Deleted by amendment.)~~

Sec. 4. 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. 437.

Bill read second time.

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

Amendment No. 274.

AN ACT relating to title insurance; revising provisions authorizing a title insurer to provide a closing letter to certain parties to a real estate transaction for which the title insurer will issue or has issued a policy of title insurance; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the business of title insurance includes the provision to a prospective purchaser of a policy of title insurance with a closing letter which assures and assumes liability for the proper performance of any services required to conduct a real estate closing performed by a title agent with which the insurer maintains an underwriting agreement. (NRS 692A.022) **Section 1** of this bill authorizes a title insurer to provide such a letter, newly referred to as a "closing protection letter," to any party to a real estate transaction, not just the party purchasing the policy of title insurance. **Section 1** also ~~authorizes~~ **requires** the title insurer to charge a fee that is not less than \$25 to each person or entity who is provided with such a letter. **Section 1** restricts the acts or omissions by the person performing the closing or settlement services for which the letter can provide indemnification to only those acts or omissions that affect the status of the title or the validity, enforceability and priority of the lien of the mortgage on the real estate that is the subject of the transaction. **Section 1** also provides that a title insurer may not in any other way provide to a party of a real estate transaction indemnification of the type provided by a closing protection letter. **Sections 1 and 2** of this bill provide that a closing protection letter may indemnify the party to whom it is issued against acts or omissions by any person employed or approved by the title insurer to perform the closing or settlement services, not just a title agent performing those services.

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

**Section 1.** Chapter 692A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A title insurer may provide a closing protection letter to any person or entity who is a party to a real estate transaction in which a policy of title insurance has been or will be issued by or on behalf of the insurer.*

*2. A closing protection letter provided by a title insurer pursuant to this section may indemnify a person or entity to whom the letter is provided, under the terms and conditions of the letter as provided by the title insurer, against a loss that is in connection with the transaction for which the letter was provided and which is due to any of the following acts or omissions by a closing or settlement service provider:*

*(a) Theft or misappropriation of any closing or settlement funds, to the extent that the theft or misappropriation affects the:*

*(1) Status of the title to the interest in land that is the subject of the transaction; or*

*(2) Validity, enforceability and priority of the lien of the mortgage on the interest in land that is the subject of the transaction.*

*(b) Failure to comply with any written closing or settlement instructions, to the extent that the failure affects the:*

*(1) Status of the title to the interest in land that is the subject of the transaction; or*

*(2) Validity, enforceability and priority of the lien of the mortgage on the interest in land that is the subject of the transaction.*

*3. A title insurer ~~may~~ shall charge a fee of not less than \$25 to each person or entity to which the insurer provides a closing protection letter pursuant to this section.*

*4. The fee charged pursuant to this section for a closing protection letter:*

*(a) Must not be included in any agreement requiring a division of fees or premiums collected by or on behalf of the title insurer who provided the letter; and*

*(b) Shall be deemed earned upon the closing of the transaction for which the letter was provided.*

*5. A title insurer may not provide or purport to provide indemnification to a person or entity against a loss in connection with acts or omissions by a closing or settlement service provider pursuant to subsection 2 by or through any other product or method than a closing protection letter provided pursuant to this section.*

*6. As used in this section, “closing or settlement service provider” means a person employed or approved by a title insurer to perform the closing or settlement of a real estate transaction in which a policy of title insurance has been issued by or on behalf of the insurer and may include, without limitation, a title agent or an escrow officer.*

**Sec. 2.** NRS 692A.022 is hereby amended to read as follows:

692A.022 “Business of title insurance” or “title insurance business” includes:

1. The issuance of or proposal to issue any policy of title insurance as an insurer, guarantor or indemnitor;

2. The solicitation, negotiation or execution of a policy of title insurance, or the performance of any related services arising out of the execution of a policy of title insurance, excluding reinsurance;

3. The performance by a title insurer, a title agent or an escrow agency owned, in whole or in part, by a title insurer or title agent, of any service in

conjunction with the issuance or contemplated issuance of a policy of title insurance, including, but not limited to, the handling of any escrow, settlement or closing in connection therewith, or doing or proposing to do any business which is in substance the equivalent of the services described in this subsection; and

4. The act of a title insurer whereby the title insurer provides a ~~[prospective purchaser of a policy of title insurance with a]~~ closing **protection** letter ~~[which assures and assumes liability for the proper performance of any services required to conduct a real estate closing performed by a title agent with which the insurer maintains an underwriting agreement.]~~ **pursuant to section 1 of this act.**

**Sec. 3.** NRS 692A.120 is hereby amended to read as follows:

692A.120 1. Each title insurer shall file with the Commissioner all rate schedules, schedules of charges and all forms, including:

- (a) Preliminary reports of title.
- (b) Binders for insurance and commitments to insure.
- (c) Letters of indemnity.
- (d) Policies of insurance or guaranty.
- (e) Terms and conditions of insurance coverage or guarantee which relate to title to any interest in property.

2. A title insurer need not file:

- (a) Reinsurance contracts and agreements.
- (b) Closing **protection** letters.
- (c) Specific defects in title which may be ascertained from an examination of the risk and excepted in reports, binders, commitments or policies, or any affirmative assurances of the title insurer with respect to those defects, whether given by endorsement or otherwise.
- (d) Specific exceptions from coverage by reason of limitations upon the examination of the risk imposed by the applicant for insurance or through failure of the applicant to provide data requisite to a judgment of insurability.

3. Unless the Commissioner disapproves a form or schedule within 30 days after it is filed in the Office of the Commissioner, the form or schedule is approved.

4. No form or schedule may be used until it is approved by the Commissioner.

5. No title insurer or title agent may make or impose any charge for premium, escrow, settlement or closing services when performed in connection with the issue of a title insurance policy except in accordance with the schedule of charges filed with the Commissioner as required by this section.

6. A title insurer or title agent shall not charge a fee for any statement or tax return regarding payments of interest which federal law requires the insurer or agent to furnish and file.

7. *As used in this section, “closing protection letter” means a letter issued as described in section 1 of this act.*

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. 459.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 343.

AN ACT relating to school property; authorizing the board of trustees of a school district to donate surplus personal property of the school district to another school district; ~~eliminating~~ **providing that requirements relating to the establishment of** oversight panels for school facilities ~~that~~ **apply only to the board of trustees of a school district in certain counties;** eliminating the duty of certain boards of trustees of school districts to submit to the Legislature written recommendations for financing the costs of construction of school facilities; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the board of trustees of a school district to donate surplus personal property of the school district to any charter school that is located within the school district without regard to certain notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. (NRS 332.185) **Section 2** of this bill authorizes a board of trustees of a school district likewise to donate surplus personal property to other school districts in this State without regard to the notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. **Section 1** of this bill authorizes a board of trustees of a school district to accept a donation of surplus personal property of another school district.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish an oversight panel for school facilities. (NRS 393.092) Such an oversight panel is required to submit biennially to the Legislature written recommendations for financing school construction costs. In a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of trustees of the school district is required to



submit biennially to the Legislature written recommendations for financing school construction costs. (NRS 393.097) Existing law also authorizes a school district to issue general obligation bonds, after obtaining the approval of the county's debt management commission, if the issuance of the bonds is not expected to result in an increase in the existing property tax levy and the electors have approved a question that authorizes the issuance of bonds for 10 years after the date of approval. (NRS 350.020) In addition to the approval of the debt management commission, in a county whose population is 100,000 or more, the school district must obtain the approval of the oversight panel for school facilities. (NRS 350.020, 393.097) ~~[Section 4 of this bill abolishes the oversight panels for school facilities.]~~ **Sections 3-6 of this bill provide that requirements relating to the establishment of an oversight panel for school facilities apply only to the board of trustees of a school district in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County).** Section ~~[4]~~ **6** also eliminates the requirement for ~~[the oversight panels or]~~ the boards of trustees of school districts ~~[, as applicable,]~~ to submit to the Legislature recommendations for financing school construction costs. ~~[Section 3 of this bill removes the requirement for the approval of the oversight panel for the issuance of the general obligation bonds of the school district.]~~

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

**Section 1.** NRS 386.390 is hereby amended to read as follows:

386.390 Each board of trustees shall have the power to accept on behalf of and for the school district ~~[any]~~ :

*1. Any gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated ~~[ ]~~; and*

*2. Any donation of surplus personal property of another school district made pursuant to subsection 2 of NRS 332.185.*

**Sec. 2.** NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to *any other school district in this State or to* a charter school that is located within the school district without regard to:

- (a) The provisions of this chapter; or
- (b) Any statute, regulation, ordinance or resolution that requires:
  - (1) The posting of notice or public advertising.
  - (2) The inviting or receiving of competitive bids.
  - (3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

**Sec. 3.** NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year,

↪ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90

days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and in a county whose population is 100,000 or more ~~+~~ but less than 700,000, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

↳ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

↳ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

**Sec. 4. NRS 393.092 is hereby amended to read as follows:**

393.092 1. The board of trustees of a school district in a county whose population is 100,000 or more **but less than 700,000** shall establish an oversight panel for school facilities, consisting of 11 members selected as follows:

(a) Six members who are elected representatives of local government, to be determined as follows:

(1) One member of the board of county commissioners appointed by a majority vote of the board of county commissioners;

(2) One member of the governing body of each incorporated city in the county, each of whom is appointed by a majority vote of the governing body of which he or she is a member; and

(3) If the membership determined pursuant to subparagraphs (1) and (2) is less than six, one additional member of the board of county commissioners appointed by a majority vote of the board of county commissioners and, if applicable, additional members of the governing bodies of incorporated cities in the county, each of whom must be appointed by a majority vote of the governing body of which he or she is a member, until six members have been appointed. If the membership determined pursuant to this paragraph would result in an unequal number of representatives among the incorporated cities, the membership of the incorporated cities on the oversight panel must be rotated and the board of county commissioners shall draw lots to determine which city or cities will be first represented, which next, and so on.

(b) Five members appointed by the board of trustees of the county school district to be determined as follows:

(1) One member who has experience in structural or civil engineering;

(2) One member who has experience in matters relating to the construction of public works projects;

(3) One member who has experience in the financing or estimation of the cost of construction projects;

(4) One member who is a representative of the gaming industry; and

(5) One member who is a representative of the general public who has an interest in education.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

**Sec. 5. NRS 393.095 is hereby amended to read as follows:**

393.095 The board of trustees of a school district in a county whose population is 100,000 or more ***but less than 700,000*** shall:

1. Provide administrative support to the oversight panel for school facilities established by the board of trustees pursuant to NRS 393.092; and

2. Comply with all requests by the oversight panel for information.

**Sec. 6. NRS 393.097 is hereby amended to read as follows:**

393.097 1. On or before July 1 of each even-numbered year, each oversight panel for school facilities established in a county whose population is 100,000 or more ***but less than 700,000*** pursuant to NRS 393.092 ~~and each board of trustees of a school district in a county whose population is less than 100,000~~ shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.

2. In a county whose population is 100,000 or more ~~or~~ **but less than 700,000**, the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.

~~[Sec. 4.]~~ **Sec. 7.** NRS ~~[393.092, 393.095,]~~ 393.096 ~~[and 393.097 are]~~ **is** hereby repealed.

~~[Sec. 5.]~~ **Sec. 8.** This act becomes effective on July 1, 2013.

~~[LEADLINES]~~ **TEXT OF REPEALED [SECTIONS]** **SECTION**

~~[ 393.092 Oversight panel for school facilities: Establishment in counties whose population is 100,000 or more; membership; terms of members.~~

~~[ 393.095 Oversight panel for school facilities: Duty of board of trustees to provide administrative support and information.]~~

**393.096 Oversight panel for school facilities: Authority of board of trustees to expand duties of panel in larger counties.**

**1. The board of trustees of a school district in a county whose population is 700,000 or more may, by a vote of not less than two-thirds of the total membership of the board of trustees, expand the duties of the oversight panel for school facilities established for the school district pursuant to NRS 393.092.**

**2. If the board of trustees votes to expand the duties of the oversight panel, the board of trustees shall:**

**(a) Prepare a 3-year plan for the renovation of school facilities and a 5-year plan for the construction of school facilities within the school district for submission to the oversight panel for its review and recommendations;**

**(b) Appoint the assistant superintendent of school facilities or his or her designee, if the board of trustees has employed a person to serve in that capacity, or otherwise appoint an employee of the school district who has knowledge and experience in school construction, to act as a liaison between the school district and the oversight panel;**

**(c) Consider each recommendation made by the oversight panel and, if the board of trustees does not adopt a recommendation, state in writing the reason for its action and include the statement in the minutes of the board of trustees, if applicable; and**

**(d) In addition to the administrative support required pursuant to NRS 393.095, provide such administrative support to the oversight panel as is necessary for the oversight panel to carry out its expanded duties.**

**3. If the board of trustees votes to expand the duties of the oversight panel, the oversight panel shall:**

(a) Work cooperatively with the board of trustees of the school district to ensure that the program of school construction and renovation is responsive to the educational needs of pupils within the school district;

(b) Review the 3-year plan for the renovation of school facilities and the 5-year plan for the construction of school facilities submitted by the board of trustees of the school district and make recommendations to the board of trustees for any necessary revisions to the plans;

(c) On a quarterly basis, or more frequently if the oversight panel determines necessary, evaluate the program of school construction and renovation that is designed to carry out the 3-year plan and the 5-year plan and make recommendations to the board of trustees concerning the program;

(d) Make recommendations for the management of construction and renovation of school facilities within the school district in a manner that ensures effective and efficient expenditure of public money; and

(e) Prepare an annual report that includes a summary of the progress of the construction and renovation of school facilities within the school district and the expenditure of money from the proceeds of bonds for the construction and renovation, if such information is available to the oversight panel.

~~[ 393.097 Duty to submit recommendations for financing costs for construction to Legislature; oversight panels required to approve or deny request for issuance of certain bonds.]~~

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 7.

Resolution read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 106, 323, 338, and 423 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 162, 228, 247, 270, 303, and 436 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that the Assembly recess until 2:15 p.m.

Motion carried.

Assembly in recess at 1:04 p.m.

#### ASSEMBLY IN SESSION

At 2:24 p.m.

Madam Speaker presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

*Madam Speaker:*

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 126, 316, 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 announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:25 p.m.

#### ASSEMBLY IN SESSION

At 2:26 p.m.

Madam Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bills Nos. 27, 56, 134, and 274 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Spiegel moved that Assembly Bill No. 95 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.



## GENERAL FILE AND THIRD READING

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Assembly Bill 60 prohibits a nonprofit corporation from soliciting charitable contributions in Nevada in person or by electronic mail, regular mail, telephone, or other means unless it has filed a financial statement and other required information with the Secretary of State.

Assembly Bill 60 provides that a nonprofit corporation soliciting charitable contributions in Nevada without filing may be subject to enforcement action, including civil penalties, a cease-and-desist order, or revocation of its charter or right to transact business in Nevada. The Secretary of State may also request the Attorney General to initiate action in court to secure compliance with the act.

Finally, this measure requires a person who represents that he or she is soliciting in Nevada on behalf of a charitable organization or nonprofit corporation to disclose, among other information, the entity's name as registered with the Secretary of State and whether or not the contribution or donation may be tax deductible under the federal Internal Revenue Code.

Roll call on Assembly Bill No. 60:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 60 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblymen Hardy and Carlton.

ASSEMBLYMAN HARDY:

I rise in support of Assembly Bill 115. Assembly Bill 135 requires that members of the town advisory board in the unincorporated towns of a county whose population is 700,000 or more and that are located 25 miles or more from an incorporated city whose population is 500,000 or more be elected. The board of county commissioners shall make appointments to fill any seats left vacant after the election.

This bill helps those incorporated towns be elect their advisory boards rather than be appointed by the commission. The people who live in those areas would like to have the opportunity to elect those and have that as their governing body, even though they have no powers.

ASSEMBLYWOMAN CARLTON:

To my colleague, this seems very narrow. I can think of maybe one or two town advisory boards that this might apply to, and my concern is the inequities involved. I have a town advisory board at Sunrise Manor. I'm sure they might like to put their names on the ballot in the future, too. I was just wondering why we made it such a narrow bill, only allowing this for certain towns. Because they are advisory boards, they really have no power. They are advisory only.

ASSEMBLYMAN HARDY:

To my colleague from the south, I appreciate those comments. We had the desire to do exactly what you stated. With the discussions with the county commissioners, they felt it might confuse things within those municipal areas that are dealing directly with issues amongst communities such as North Las Vegas, Las Vegas, Clark County, and Henderson. These advisory boards are separated by 25 miles, places like Searchlight, Indian Springs, Laughlin, and Bunkerville in the Moapa Valley, which they feel have different issues than the urban areas. So that is the reason this changed that point.

Roll call on Assembly Bill No. 135:

YEAS—38.

NAYS—Bobzien, Carlton—2.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 135 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 300.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 300 revises the information that must be included in the affidavit of authority to exercise the power of sale on a deed of trust. The bill requires the information in the affidavit to be based upon the direct, personal knowledge of the affiant, or personal knowledge acquired by a review of the business records. The bill also requires the affidavit to include a toll-free telephone number the borrower may call to receive answers to any questions concerning the affidavit.

Assembly Bill 300 reflected a tremendous amount of work on the part of lenders, title companies, realtors, advocates for homeowners, and all of the stakeholders to address concerns that were expressed in Assembly Bill 284 in the 2011 Session. This language reflects months of hard work in areas that everybody thought would make A.B. 284 from last session clearer, and I think that it successfully accomplishes that. I would urge this body's support.

Roll call on Assembly Bill No. 300:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 300 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 377 provides that a person who is or was employed or volunteering in a position of authority at a school and who has sexual conduct with a pupil with whom the person

has or had contact in the course of performing his or her duties is guilty of a felony. If the pupil is 16 or 17, the crime is a category C felony, and if the pupil is 14 or 15, the crime is a category B felony.

Roll call on Assembly Bill No. 377:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 377 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 8 revises various provisions governing the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services to more clearly reflect the duties of each division. The bill also replaces certain terminology to be consistent with federal law, abolishes the State Board of Welfare and Supportive Services, and makes permanent the authorization for the Department to contract with certain motor carriers to transport recipients of the Children's Health Insurance Program for services.

Roll call on Assembly Bill No. 8:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 8 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 11. Assembly Bill 11 narrows the scope of written reports required to be filed with the Division of Industrial Relations by insurers concerning claims for certain occupational diseases by requiring that only claims made by firefighters, police officers, arson investigators, or emergency medical attendants are required to be reported.

Roll call on Assembly Bill No. 11:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 11 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 29. Assembly Bill 29 creates within the Department of Health and Human Services [DHHS] the Committee to Review Suicide Fatalities consisting of ten members appointed by the Director of DHHS from among certain persons and groups. The Committee must adopt written protocols setting forth suicide fatalities that must be reported to the Committee and obtain data to determine trends, risk factors, and strategies for the prevention of suicide fatalities. Additionally, the Committee may conduct investigations, review death certificates, share information, petition a district court for issuance of subpoenas, recommend legislation, and issue special reports.

Each year the Committee must submit a report to the director concerning activities of the Committee. Lastly, the bill requires the coordinator of the Statewide Program for Suicide Prevention to employ at least one trainer for suicide prevention in any county whose population is greater than 700,000.

Roll call on Assembly Bill No. 29:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 29 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 65 provides certain exceptions and exemptions to the Open Meeting Law and clarifies that any other provision of law which exempts a meeting, hearing, or proceeding from the requirements of the Open Meeting Law or otherwise authorizes or requires a closed meeting, hearing, or proceeding prevails over the general provisions of the Open Meeting Law.

Roll call on Assembly Bill No. 65:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 65 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblymen Bobzien, Fiore, Eisen, Dondero Loop, and Wheeler.

ASSEMBLYMAN BOBZIEN:

I rise in support of Assembly Bill 109. Assembly Bill 109 sets forth the required qualifications of a licensee or person appointed by the licensee responsible for the daily operations of a child care facility that cares for 12 or more children. In addition, the licensee or person appointed by the licensee is required to apply to the Nevada Registry when initially licensed and upon annual renewal. The bill increases the amount of training required for all employees of a child care facility. Finally, directors approved by the Health Division of the Department of Health and Human Services before the effective date of this bill can obtain a waiver to bypass the requirements until January 1, 2016.

Some of the context on this bill: This is a greatly scaled back version of a bill that we did last session that was vetoed by the Governor. After hearing about concern of impacts to small businesses, I was pleased to work with the Governor's office on an amendment that creates this exemption for facilities that have 12 children or less in them. Madam Speaker, I would submit this is an important step forward when it comes to professional development for early childhood education and brings us in line with many other states in this country that recognize the importance of professional development for those who take care of our youngest.

ASSEMBLYWOMAN FIORE:

This bill, I feel, creates a hindrance on growing businesses and is not a business friendly bill, so I am opposing it. I just wanted to get that on the record.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 109. I feel this bill establishes some minimum requirements for persons who are responsible for the care, in a child care setting, of 12 or more children at one time. I think it is a good step forward in ensuring the safety and protection of our children.

ASSEMBLYWOMAN DONDERO LOOP:

I would like to rise in support of this bill. Speaking on behalf of myself, and having spent lots of years educating young children, I believe this is a very important endeavor. It's a self-assessment process when you get accreditation and you take classes. This is a really important piece to improve quality, both in the development of programs for young children, and the health and safety of an environment. This process involves the care of our most precious children.

ASSEMBLYMAN WHEELER:

I rise in opposition to this bill. I believe the bill has very good intentions and I think that those intentions toward our children are meant very well. My problem with the bill is that I believe it will increase the cost of child care over the next few years, thus hurting our most vulnerable people, our lowest paid people. Thank you.

Roll call on Assembly Bill No. 109:

YEAS—36.

NAYS—Ellison, Fiore, Hansen, Wheeler—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 109 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 144 provides that an anatomical gift, made by an unemancipated minor who is at least 16 years of age and possesses a driver's license or identification card cannot be revoked or amended if both the donor and a parent or guardian have executed a form authorizing the anatomical gift.

Roll call on Assembly Bill No. 144:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 144 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 172 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 194. It provides that holding a leasehold interest in real property destroyed or injured is not a defense to the crime of willfully and maliciously injuring the real or personal property of another. This measure becomes effective October 1, 2013.

This bill only speaks of malicious destruction of private property only.

Roll call on Assembly Bill No. 194:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 194 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

I stand in support of Assembly Bill 198. It repeals provisions of existing law requiring a vehicle that is acquired for use as a taxicab in a county that is not subject to regulation by the Taxicab Authority to be new or have not more than 30,000 miles on the odometer. The bill also repeals provisions requiring that taxicabs be retired from service after a certain length of time. The effective date is July 1, 2013.

This bill helps all rural counties stay in operation of business from a bill that was passed two years ago.

Roll call on Assembly Bill No. 198:

YEAS—39.

NAYS—Carlton.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 198 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 221. This bill requires the Director of the Department of Health and Human Services to issue a request for information by January 1, 2014, to determine availability and cost of technology, data verification, and resources to assist the Department in reducing waste, fraud, and abuse under Medicaid and the Children's Health Insurance Program. The request must seek strategies for determining the validity of claims before payments are made to providers, whether technology is capable of being integrated into the existing system, and information on other fraud investigation services that combine a retrospective analysis of claims.

Additionally, the bill requires the Director to report the responses to the Legislative Committee on Health Care, and that committee shall make any appropriate recommendations to the Department, including whether the Committee supports the Department entering into any contracts to carry out measures identified in the report.

Roll call on Assembly Bill No. 221:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 221 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Flores.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 233. Assembly Bill 233 authorizes a person to appeal a court order dismissing a post-conviction petition for genetic marker analysis to the Nevada Supreme Court within 30 days after the entry of the order.

Roll call on Assembly Bill No. 233:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 233 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Madam Speaker, I rise in support of Assembly Bill 255. Assembly Bill 255 requires the Legislative Auditor to conduct an audit concerning the use by the Department of Health and Human Services of certain assessments paid by counties. A final written report must be submitted by the Legislative Auditor to the Audit Subcommittee of the Legislative Commission by January 31, 2015.

The assessments received by the Department of Health and Human Services that are subject to the audit relate to services provided by the Health Division or the State Health Officer, activities of the Youth Parole Bureau, and to certain facilities for the detention of children in child protective services.

Roll call on Assembly Bill No. 255:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 255 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 281.

Bill read third time.

Remarks by Assemblyman Hogan.

ASSEMBLYMAN HOGAN:

Assembly Bill 281 revises provisions related to certain records about the workers that are employed by a contractor and a subcontractor engaged on a public work project. Specifically, a contractor and subcontractor must include the gender and ethnicity of each such worker but only



if the worker agrees to supply such information voluntarily. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity.

Roll call on Assembly Bill No. 281:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Wheeler—13.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 281 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Assembly Bill 322. Assembly Bill 322 removes the term “private” from the phrase “passenger car” for purposes of providing certain materials concerning personal injury claims under a policy of motor vehicle insurance.

Roll call on Assembly Bill No. 322:

YEAS—39.

NAYS—Carlton.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 322 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Madam Speaker, I rise in support of Assembly Bill 337 encouraging our schools to participate more in our fresh fruits and vegetables program. We do have room to expand, and the more children that eat healthy at a young age, the better off we all are. We all learned that little saying, don't be a “Sam I Am”; try everything on your plate. This is a program that helps educate children on how good that kale can really taste.

Roll call on Assembly Bill No. 337:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 337 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 350. Assembly Bill 350 provides that a requirement to submit a report to the Legislature will expire by limitation after five years unless that piece of legislation with the reporting requirement contains a justification of the need for, or usefulness of, a longer reporting period.

The measure directs the Legislative Commission to review existing statutory requirements for reports to the Legislature that have been in existence for more than four years to determine whether the reporting requirements should be repealed, revised, or continued.

For the 2013–2014 Interim, the Legislative Commission shall review legislation enacted in the 2007, 2009, and 2011 Sessions. Based on its review using the criteria in Assembly Bill 350, the Legislative Commission shall submit a report to the Legislature by January 15, 2015, with recommendations on the continuation, revision, or repeal of reporting requirements enacted in the past three sessions.

This bill was sponsored by our colleague from District 27, who is not here today. During the hearing, she testified that more than 160 reports are required to be submitted to the Legislature or legislative committees, and approximately 55 of those reports were enacted during the last three sessions.

Roll call on Assembly Bill No. 350:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 350 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 393 provides that a child placed in foster care has the right to have contact with siblings unless it is contrary to the safety of that child, and to the extent practicable, have contact arranged on a regular basis, holidays, birthdays, and other significant life events. The bill further prescribes that a child placed in foster care has the right not to have contact or visitation with a sibling withheld as a form of punishment and, consistent with the age and developmental experience of the child, be notified of changes in the placement of a sibling.

Roll call on Assembly Bill No. 393:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 393 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 395 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 426 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 432.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

I rise in support of Assembly Bill 432. Assembly Bill 432 provides that a supplier's subsidiary or affiliate is included in the definition of "supplier" for purposes of the purchase of liquor by a wholesaler who is not the importer designated by the supplier. The bill also prohibits an importer or wholesaler from operating or otherwise locating his or her business on the premises or on the property of any supplier.

Roll call on Assembly Bill No. 432:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 432 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 445 requires the Department of Administration to establish a location on the state's official website on which public bodies must post notices of open meetings. Notices required by the Open Meeting Law must be posted on the state's website not later than 9 a.m. of the third working day before the meeting. Such notices must include a link to the public body's

website or an email address for contacting the public body. The Department may adopt regulations as needed.

The state must have a designated location on its website in operation by January 1, 2014, for the posting of notices by state entities. Public bodies of local government must begin posting notices of open meetings no later than July 1, 2014.

Roll call on Assembly Bill No. 445:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 445 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

I rise in support of Assembly Bill 483, which directs the State Engineer to charge a fee of not more than \$1,000 each for four applications made by the Department of Wildlife in 1975 to appropriate drain and flood waters in the Humboldt Sink for wildlife purposes. The bill sets forth a legislative finding that these fee limitations are necessary to allow the Department to maintain the wildlife and wetlands in the Humboldt Wildlife Management Area.

Roll call on Assembly Bill No. 483:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 483 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of Assembly Bill 492. It revises the authority of the Credit Union Advisory Council. The measure eliminates the supervisory powers of the Council so that it functions in an advisory capacity only.

This was part of the recommendations that the Sunset Subcommittee had reviewed during the interim. Originally the Advisory Council was not in its right capacity, so this is the recommendation of the change.

Roll call on Assembly Bill No. 492:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 492 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of Assembly Bill 493. It abolishes the Nevada Commission on Sports. Any balance remaining in the account and not committed for expenditure must be reverted back to the State General Fund.

With this—another Sunset Subcommittee recommendation—the Commission did not respond to the repeated requests for the information. No one came forth to defend it, and in our discovery, it had been inactive for several years.

Roll call on Assembly Bill No. 493:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 493 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of Assembly Bill 495. The bill abolishes the Committee on Co-Occurring Disorders as recommended by the Sunset Subcommittee of the Legislative Commission.

In our review of this committee, the chair of the Co-Occurring Disorders had come forth. They had met the mandate that had been issued to them, and they no longer saw a need to continue the committee.

Roll call on Assembly Bill No. 495:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 495 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Joint Resolution No. 4 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 95, 395; Senate Bill No. 139 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 77, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Ann-Marie White.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Oki and Jeanette M. Hammons.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Robbie Nickel.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Lloyd.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Tammy Westergard.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to John Miller.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Kathlin Ray.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to John Crockett.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Livermore, Curtis Blackwell, and Frankie Perez.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Fay.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Hughes.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Moss.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, April 17, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:22 p.m.

Approved:

MARILYN K. KIRKPATRICK  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*