

**THE ONE HUNDRED AND THIRD DAY**

---

CARSON CITY (Friday), May 17, 2013

Assembly called to order at 7:08 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Hogan, and Pierce, who were excused.

Prayer of the Chaplain, Reverend Jeffrey D. Paul, read by the Chief Clerk of the Assembly, Susan Furlong.

O' Lord, our Governor, whose glory is in all the world: We commend the state of Nevada to Your care, that we may dwell in Your peace. Grant to the Assembly and to all in authority wisdom and strength to know and do Your will. Fill us all with a love of truth and righteousness and make us mindful of our calling to serve this people; one God, world without end.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

**REPORTS OF COMMITTEES**

*Madam Speaker:*

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 162, 180, 198, 267, 287, 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

*Madam Speaker:*

Your Committee on Education, to which was referred Senate Bills Nos. 305, 392, 443, 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 was referred Senate Bill No. 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

*Madam Speaker:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 80, 112, 167, 206, 233, 258, 276, 285, 315, 318, 338, 448, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 4, 100, 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

*Madam Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 499; Senate Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

*Madam Speaker:*

Your Committee on Legislative Operations and Elections, to which was referred Senate Bills Nos. 178, 202, 457; Senate Joint Resolution No. 13, 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 were referred Senate Bills Nos. 73, 133, 134, 181, 371; Senate Joint Resolutions Nos. 1, 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

*Madam Speaker:*

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 15 of the 76th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 170, 217, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

*Madam Speaker:*

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 1, 31, 67, 139, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 350, 459, 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

May 17, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: BDR 32-1224.

MARK KRMPOTIC  
*Fiscal Analysis Division*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2013

*To the Honorable the Assembly:*

It is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 78, 101, and 191 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 125 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 499; Senate Bills Nos. 4, 55, 73, 80, 100, 111, 112, 133, 134, 143, 162, 167, 170, 176, 178, 180, 181, 198, 202, 206, 217, 233, 258, 262, 267, 276, 285, 287, 305, 315, 318, 338, 350, 371, 392, 402, 437, 443, 448, 449, 457, 459, 488; Senate Joint Resolutions Nos. 1, 13, 14; and Senate Joint Resolution No. 15 of the 76th Session, just reported out of committee, be placed on the Second Reading File.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 499.

Bill read second time and ordered to third reading.

Senate Bill No. 4.

Bill read second time.

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

Amendment No. 602.

SUMMARY—Revises provisions governing the testing of a person or decedent who may have exposed certain public employers, employees or volunteers to a ~~contagious~~ **communicable** disease. (BDR 40-265)

AN ACT relating to ~~contagious~~ **communicable** diseases; revising provisions governing the testing of a person who may have exposed certain public employers, employees or volunteers to a ~~contagious~~ **communicable** disease; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, if the duties of a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees, any other person who is employed by an agency of criminal justice or any other public employee may require him or her to come into contact with human blood or bodily fluids and if he or she may have been exposed to a contagious disease while performing those duties, the employee or his or her employer may petition a court to have the person or decedent who may have exposed the employee or his or her employer to a contagious disease tested for exposure to the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis. Upon a finding by a court that there is probable cause to believe that a possible transfer of blood or other bodily fluids to the petitioner or the person on whose behalf the petition was filed occurred, the court is required to order testing of the blood of the person or decedent who possibly exposed to a contagious disease the petitioner or the person on whose behalf the petition was filed. (NRS 441A.195)

**Section 1** of this bill allows any such employee or a volunteer for a public agency, who comes in contact with human blood or bodily fluids in the course of his or her official duties, or his or her employer or the public agency for which he or she volunteers, to seek a test of the person or decedent who possibly exposed the public employee or volunteer to a ~~contagious~~ **communicable** disease. **Section 1 requires a court to determine that the employee or volunteer would require medical intervention if there is a positive result to the test for the presence of a communicable disease before issuing an order for a test.** **Section 1** allows a judge or a justice of the peace hearing the petition upon a determination of probable cause and the ordering of a test, to authorize certain persons acting on behalf of the employer or public agency to sign the name of the judge or justice of the peace on a duplicate order. Such an order is to be deemed an order of the court but must be returned to the judge or justice of the peace for endorsement. Failure by the judge or justice of the peace to endorse the order does not in and of itself invalidate the order. **Section 1** also: (1) requires any records concerning such a petition or proceeding on such a petition to be

sealed and kept confidential; and (2) authorizes a court to establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order by electronic or telephonic means. **Sections 2 and 3** of this bill authorize justice courts and municipal courts to issue such orders.

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

**Section 1.** NRS 441A.195 is hereby amended to read as follows:

441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees ~~[ ]~~ **or volunteers**, any other person who is employed by **or is a volunteer for** an agency of criminal justice or any other public employee ~~[whose duties may require him or her to come]~~ **or volunteer for a public agency who, in the course of his or her official duties, comes** into contact with human blood or bodily fluids, ~~[who may have been exposed to a contagious disease while performing his or her official duties,]~~ or the employer of such a person ~~[ ]~~ **or the public agency for which the person volunteers**, may petition a court for an order requiring the testing of a person or decedent for exposure to ~~[the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis.]~~ **a communicable disease** if the person or decedent may have exposed the officer, **emergency** medical attendant, firefighter, county coroner or medical examiner or their employee ~~[ ]~~ **or volunteer**, other person employed by **or volunteering for** an agency of criminal justice or other public employee ~~[whose duties may require him or her to come into contact with human blood or bodily fluids]~~ **or volunteer for a public agency to a** ~~[contagious]~~ **communicable** disease.

2. When possible, before filing a petition pursuant to subsection 1, the person, ~~[or]~~ employer **or public agency for which the person volunteers, and who is** petitioning shall submit information concerning the possible exposure to a ~~[contagious]~~ **communicable** disease to the designated health care officer for the employer **or public agency** or, if there is no designated health care officer, the person designated by the employer **or public agency** to document and verify possible exposure to ~~[contagious]~~ **communicable** diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer **or public agency** to document and verify possible exposure to ~~[contagious]~~ **communicable** diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or

decedent who possibly exposed him or her to a ~~[contagious]~~ **communicable** disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred ~~[ ]~~ **and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention,** the court shall:

(a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a ~~[contagious]~~ **communicable** disease to submit two **appropriate** specimens ~~[of blood]~~ to a local hospital or medical laboratory for testing for exposure to ~~[the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis.]~~ **a communicable disease;** or

(b) Order that two **appropriate** specimens ~~[of blood]~~ be ~~[drawn]~~ **taken** from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a ~~[contagious]~~ **communicable** disease and be submitted to a local hospital or medical laboratory for testing for exposure to the ~~[human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis.]~~ **communicable disease.**

↪ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. *If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public health agency to document and verify possible exposure to a ~~[contagious]~~ **communicable disease** to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.*

5. *Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.*

6. *A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.*

7. The employer of a person *or the public agency for which the person volunteers*, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer *or public agency*, shall pay the cost of performing the test pursuant to subsection 3.

~~§~~ 8. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

**Sec. 2.** NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$10,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$10,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$10,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$10,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$10,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$10,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

**(u) In any action seeking an order pursuant to NRS 441A.195.**

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real



property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

**Sec. 3.** NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

**(f) Actions seeking an order pursuant to NRS 441A.195.**

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

**Sec. 4.** NRS 629.069 is hereby amended to read as follows:

629.069 1. A provider of health care shall disclose the results of all tests performed pursuant to NRS 441A.195 to:

(a) The person who was tested and, upon request, a member of the family of a decedent who was tested;

(b) The law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee ~~[-] or volunteer~~, other person who is employed by ~~or volunteers for~~ an agency of criminal justice or other public employee ~~[whose duties may require him or her to come into contact with human blood or bodily fluids]~~ ~~or volunteer of a public agency~~ who filed the petition or on whose behalf the petition was filed pursuant to NRS 441A.195;

(c) The designated health care officer for the employer of the person ~~or the public agency for which the person volunteers~~, as described in paragraph (b) or, if there is no designated health care officer, the person designated by the employer ~~or public agency~~ to document and verify possible exposure to ~~[contagious]~~ communicable diseases;

(d) If the person who was tested is incarcerated or detained, the person in charge of the facility in which the person is incarcerated or detained and the chief medical officer of the facility in which the person is incarcerated or detained, if any; and

(e) A designated investigator or member of the State Board of Osteopathic Medicine during any period in which the Board is investigating the holder of a license pursuant to chapter 633 of NRS.

2. A provider of health care and an agent or employee of a provider of health care are immune from civil liability for a disclosure made in accordance with the provisions of this section.

**3. A person to whom the results of a test pursuant to paragraph (b) or (c) of subsection 1 are disclosed shall keep any information relating to the identity of the person about whom the results relate in strict confidence and shall not disclose any information about that person or the results of any**

**test which would identify the person to any other person or governmental entity.**

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

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 55.

Bill read second time.

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

Amendment No. 620.

AN ACT relating to land use planning; revising provisions governing the subject matter of master plans; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth the subject matter that may be included in a master plan and specifies 19 separate plans and other items that may be so included, with the exception of certain cities and counties who must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170) **Section 3** of this bill reorganizes the 19 separate plans and other items into 8 different elements that may comprise a master plan. Pursuant to this reorganization, a master plan may now include: (1) a conservation element; (2) a historic preservation element; (3) a housing element; (4) a land use element; (5) a public facilities and services element; (6) a recreation and open space element; (7) a safety element; and (8) a transportation element.

Existing law provides that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), if a planning commission or governing body of a city or county adopts only a portion of the master plan, the following must be included in the master plan: (1) a conservation plan; (2) a housing plan; and (3) a population plan. (NRS 278.150, 278.170) **Sections 2 and 4** of this bill provide that if a planning commission or governing body in such a county adopts only a portion of a master plan, the following must be included in the master plan: (1) a conservation plan of the conservation element; (2) the housing element; and (3) a population plan of the public facilities and services element.

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

**Section 1.** NRS 278.02556 is hereby amended to read as follows:

278.02556 Except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in ~~paragraph (g) of subsection 1 of~~ NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

**Sec. 2.** NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3 and 4, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion ~~the~~:

(a) A conservation plan ~~the~~ *of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;*

(b) *The housing ~~plan~~ element, as described in paragraph (c) of subsection 1 of NRS 278.160;* and ~~the~~

(c) A population plan ~~as provided in~~ *of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160.*

4. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the ~~subjects~~ *elements* set forth in ~~subsection 1 of~~ NRS 278.160.

**Sec. 3.** NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in *this section and ~~subsection~~ subsections 3 and 4* of NRS 278.150 and ~~subsection~~ *subsections 2 and 3* of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following ~~subject matter~~ *elements* or portions thereof as

are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

~~(a) [Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.~~

~~—(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.~~

~~—(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.~~

~~—(d) Historic neighborhood preservation plan. The plan:~~

~~—(1) Must include, without limitation:~~

~~—(I) A plan to inventory historic neighborhoods.~~

~~—(II) A statement of goals and methods to encourage the preservation of historic neighborhoods.~~

~~—(2) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.~~

~~—(e) Historical properties preservation plan. An inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.~~

~~—(f) Housing plan. The housing plan must include, without limitation:~~

~~—(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing to individuals and families in the community, regardless of income level.~~

~~—(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.~~

~~—(3) An analysis of projected growth and the demographic characteristics of the community.~~

~~—(4) A determination of the present and prospective need for affordable housing in the community.~~

~~—(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.~~

~~(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:~~

~~—(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and~~

~~—(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.~~

~~—(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.~~

~~—(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.~~

~~—(g) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:~~

~~—(1) Must address, if applicable:~~

~~—(I) Mixed use development, transit oriented development, master planned communities and gaming enterprise districts; and~~

~~—(II) The coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~—(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.~~

~~—(h) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.~~

~~—(i) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.~~

~~—(j) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.~~

~~—(k) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails,~~

reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

~~—(l) Rural neighborhoods preservation plan. In any county whose population is 700,000 or more, showing general plans to preserve the character and density of rural neighborhoods.~~

~~—(m) Safety plan. In any county whose population is 700,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.~~

~~—(n) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.~~

~~—(o) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.~~

~~—(p) Solid waste disposal plan. Showing general plans for the disposal of solid waste.~~

~~—(q) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.~~

~~—(r) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motoreoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.~~

~~—(s) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights of way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.] A conservation element, which ~~may~~ **must** include:~~

*(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores,*

*and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.*

*(2) A solid waste disposal plan showing general plans for the disposal of solid waste.*

*(b) A historic preservation element, which ~~may~~ must include:*

*(1) A historic neighborhood preservation plan which:*

*(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.*

*(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.*

*(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.*

*(c) A housing element, which must include, without limitation:*

*(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.*

*(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.*

*(3) An analysis of projected growth and the demographic characteristics of the community.*

*(4) A determination of the present and prospective need for affordable housing in the community.*

*(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.*

*(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:*

*(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and*

*(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.*

*(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.*



*(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.*

*(d) A land use element, which ~~may~~ must include:*

*(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.*

*(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:*

*(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.*

*(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.*

*(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.*

*(e) A public facilities and services element, which ~~may~~ must include:*

*(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.*

*(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.*

*(3) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.*

*(4) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.*

(5) *A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.*

(f) *A recreation and open space element, which ~~may~~ must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.*

(g) *A safety element, which ~~may~~ must include:*

(1) *In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.*

(2) *A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.*

(h) *A transportation element, which ~~may~~ must include:*

(1) *A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.*

(2) *A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.*

(3) *A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.*

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other ~~subjects~~ *elements* as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such ~~subject~~ *element* as a part of the master plan.

**Sec. 4.** NRS 278.170 is hereby amended to read as follows:

278.170 1. Except as otherwise provided in subsections 2 and 3, the commission may prepare and adopt all or any part of the master plan or any ~~subject~~ *element* thereof for all or any part of the city, county or region.

Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is 100,000 or more but less than 700,000, if the commission prepares and adopts less than all ~~subjects~~ *elements* of the master plan, as outlined in NRS 278.160, it shall include, in its preparation and adoption ~~the~~ :

(a) A conservation ~~plan~~ *plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;*

(b) *The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;* and

(c) A population ~~plans~~ *plan of the public facilities and services element, as described in ~~that section.~~ subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160.*

3. In counties whose population is 700,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the ~~subjects~~ *elements* set forth in ~~subsection 1 of~~ NRS 278.160.

**Sec. 5.** NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting must be given by the person requesting the proposed amendment to:

(a) Each owner, as listed on the county assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains; and

(d) If a military installation is located within 3,000 feet of the area to which the proposed amendment pertains, the commander of the military installation.

↪ The notice must be sent by mail at least 10 days before the neighborhood meeting and include the date, time, place and purpose of the neighborhood meeting.

3. Except as otherwise provided in NRS 278.225, the adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chair of the commission.

4. Except as otherwise provided in NRS 278.225, no plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in ~~paragraph (g) of subsection 1 of~~ NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to:

(a) A change in the land use designated for a particular area if the change does not affect more than 25 percent of the area; or

(b) A minor amendment adopted pursuant to NRS 278.225.

6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

7. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means.

**Sec. 6.** NRS 278.230 is hereby amended to read as follows:

278.230 1. Except as otherwise provided in subsection 4 of NRS 278.150, whenever the governing body of any city or county has

adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:

(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing, including affordable housing; and

(b) A basis for the efficient expenditure of funds thereof relating to the ~~subjects~~ *elements* of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

**Sec. 7.** NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include ~~the~~ *the* housing ~~plan~~ *element* in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing ~~plan~~ *element* pursuant to subparagraph (8) of paragraph ~~(f)~~ *(c)* of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and transmit the compilation to the Legislature, or the Legislative Commission if the Legislature is not in regular session.

**Sec. 8.** NRS 278.240 is hereby amended to read as follows:

278.240 Whenever the governing body of a city, county or region has adopted a master plan, or one or more ~~subject matters~~ *elements* thereof, for the city, county or region, or for a major section or district thereof, no street, square, park, or other public way, ground, or open space may be acquired by dedication

or otherwise, except by bequest, and no street or public way may be closed or abandoned, and no public building or structure may be constructed or authorized in the area for which the master plan or one or more ~~subject matters~~ *elements* thereof has been adopted by the governing body unless the

dedication, closure, abandonment, construction or authorization is approved in a manner consistent with the requirements of the governing body, board or commission having jurisdiction over such a matter.

**Sec. 9.** NRS 278.4787 is hereby amended to read as follows:

278.4787 1. Except as otherwise provided in subsection 5, a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A of NRS, may, in lieu of providing for the creation of an association for a common-interest community, request the governing body of the jurisdiction in which the land is located to assume the maintenance of one or more of the following improvements located on the land:

- (a) Landscaping;
- (b) Public lighting;
- (c) Security walls; and
- (d) Trails, parks and open space which provide a substantial public benefit or which are required by the governing body for the primary use of the public.

2. A governing body shall establish by ordinance a procedure pursuant to which a request may be submitted pursuant to subsection 1 in the form of a petition, which must be signed by a majority of the owners whose property will be assessed and which must set forth descriptions of all tracts of land or residential units that would be subject to such an assessment.

3. The governing body may by ordinance designate a person to approve or disapprove a petition submitted pursuant to this section. If the governing body adopts such an ordinance, the ordinance must provide, without limitation:

(a) Procedures pursuant to which the petition must be reviewed to determine whether it would be desirable for the governing body to assume the maintenance of the proposed improvements.

(b) Procedures for the establishment of a maintenance district or unit of assessment.

(c) A method for:

(1) Determining the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(I) Benefit the development or subdivision in which the improvements are located; and

(II) Benefit the public;

(2) Assessing the tracts of land or residential units in the development or subdivision to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the development or subdivision in which the improvements are located; and

(3) Allocating an amount of public money to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the public.

(d) Procedures for a petitioner or other aggrieved person to appeal to the governing body a decision of the person designated by the governing body by ordinance adopted pursuant to this subsection to approve or disapprove a petition.

4. If the governing body does not designate by an ordinance adopted pursuant to subsection 3 a person to approve or disapprove a petition, the governing body shall, after receipt of a complete petition submitted at least 120 days before the approval of the final map for the land, hold a public hearing at least 90 days before the approval of the final map for the land, unless otherwise waived by the governing body, to determine the desirability of assuming the maintenance of the proposed improvements. If the governing body determines that it would be undesirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall specify for the record its reasons for that determination. If the governing body determines that it would be desirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall by ordinance:

(a) Determine the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(1) Benefit the development or subdivision in which the improvements are located; and

(2) Benefit the public.

(b) Create a maintenance district or unit of assessment consisting of the tracts of land or residential units set forth in the petition or include the tracts of land or residential units set forth in the petition in an existing maintenance district or unit of assessment.

(c) Establish the method or, if the tracts or units are included within an existing maintenance district or unit of assessment, apply an existing method for determining:

(1) The amount of an assessment to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements. The amount of the assessment must be determined in accordance with the proportion to which such maintenance will benefit the development or subdivision in which the improvements are located.

(2) The time and manner of payment of the assessment.

(d) Provide that the assessment constitutes a lien upon the tracts of land or residential units within the maintenance district or unit of assessment. The lien must be executed, and has the same priority, as a lien for property taxes.



(e) Prescribe the levels of maintenance to be provided.

(f) Allocate to the cost of providing the maintenance the appropriate amount of public money to pay for that part of the maintenance which creates the public benefit.

(g) Address any other matters that the governing body determines to be relevant to the maintenance of the improvements, including, without limitation, matters relating to the ownership of the improvements and the land on which the improvements are located and any exposure to liability associated with the maintenance of the improvements.

5. If the governing body requires an owner of land to dedicate a tract of land as a trail identified in the recreation plan of the governing body adopted pursuant to ~~paragraph (k) of subsection 1 of~~ NRS 278.160, the governing body shall:

(a) Accept ownership of the tract; and

(b) Assume the maintenance of the tract and any other improvement located on the land that is authorized in subsection 1.

6. The governing body shall record, in the office of the county recorder for the county in which the tracts of land or residential units included in a petition approved pursuant to this section are located, a notice of the creation of the maintenance district or unit of assessment that is sufficient to advise the owners of the tracts of land or residential units that the tracts of land or residential units are subject to the assessment. The costs of recording the notice must be paid by the petitioner.

7. The provisions of this section apply retroactively to a development or subdivision with respect to which:

(a) An agreement or agreements between the owners of tracts of land within the development or subdivision and the developer allow for the provision of services in the manner set forth in this section; or

(b) The owners of affected tracts of land or residential units agree to dissolve the association for their common-interest community in accordance with the governing documents of the common-interest community upon approval by the governing body of a petition filed by the owners pursuant to this section.

**Sec. 10.** NRS 279.608 is hereby amended to read as follows:

279.608 1. If, at any time after the adoption of a redevelopment plan by the legislative body, the agency desires to take an action that will constitute a material deviation from the plan or otherwise determines that it would be necessary or desirable to amend the plan, the agency must recommend the amendment of the plan to the legislative body. An amendment may include the addition of one or more areas to any redevelopment area.

2. Before recommending amendment of the plan, the agency shall hold a public hearing on the proposed amendment. Notice of that hearing must be

published at least 10 days before the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing must include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment.

3. In addition to the notice published pursuant to subsection 2, the agency shall cause a notice of hearing on a proposed amendment to the plan to be sent by mail at least 10 days before the date of the hearing to each owner of real property, as listed in the records of the county assessor, whom the agency determines is likely to be directly affected by the proposed amendment. The notice must:

(a) Set forth the date, time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed amendment; and

(b) Contain a brief summary of the intent of the proposed amendment.

4. If after the public hearing, the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, those changes must be submitted by the agency to the planning commission for its report and recommendation. The planning commission shall give its report and recommendations to the legislative body within 30 days after the agency submitted the changes to the planning commission.

5. After receiving the recommendation of the agency concerning the changes in the plan, the legislative body shall hold a public hearing on the proposed amendment, notice of which must be published in a newspaper in the manner designated for notice of hearing by the agency. If after that hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plan.

6. As used in this section, "material deviation" means an action that, if taken, would alter significantly one or more of the aspects of a redevelopment plan that are required to be shown in the redevelopment plan pursuant to NRS 279.572. The term includes, without limitation, the vacation of a street that is depicted in the streets and highways plan of the master plan described in ~~paragraph (c) of subsection 1 of~~ NRS 278.160 which has been adopted for the community and the relocation of a public park. The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in ~~paragraph (c) of subsection 1 of~~ NRS 278.160 which has been adopted for the community.

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

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.  
Amendment adopted.  
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 73.  
Bill read second time and ordered to third reading.

Senate Bill No. 80.  
Bill read second time and ordered to third reading.

Senate Bill No. 100.  
Bill read second time.

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

Amendment No. 606.

**Section 51.5 of Senate Bill No. 100 First Reprint is hereby amended as follows:**

Sec. 51.5. Notwithstanding the provisions of NRS 450B.025, 450B.065, 450B.085, 450B.1905, 450B.191 and 450B.195, as amended by sections 5, 7, 9, 18, 19 and 21 of this act, any person who, on December 31, 2013, holds a certificate as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician ~~for paramedic~~ is exempt from the training requirements for certification prescribed pursuant to the applicable provisions of NRS 450B.1905, 450B.191 or 450B.195, as amended by sections 18, 19 and 21 of this act, through December 31, 2015.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.  
Amendment adopted.  
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 111.  
Bill read second time and ordered to third reading.

Senate Bill No. 112.  
Bill read second time and ordered to third reading.

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

Assembly in recess at 7:28 p.m.

## ASSEMBLY IN SESSION

At 7:31 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 133.

Bill read second time and ordered to third reading.

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 143.

Bill read second time and ordered to third reading.

Senate Bill No. 162.

Bill read second time and ordered to third reading.

Senate Bill No. 167.

Bill read second time and ordered to third reading.

Senate Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 631.

AN ACT relating to ~~body shops;~~ **automotive repairs;** authorizing a body shop to impose certain charges for storage of a motor vehicle; requiring that body shops include rates for storage of vehicles in written estimates; requiring that body shops notify certain registered owners of a motor vehicle of charges for storage; revising provisions governing information that body shops are required to submit to the Department of Motor Vehicles; **requiring that body shops and garage operators inform certain persons as to the forms of payment which the shop or garage accepts;** providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a body shop may charge for storage of a motor vehicle if the owner or insurer of the motor vehicle elects to take possession of the motor vehicle instead of authorizing certain repairs and fails to take possession within 24 hours after that election. (NRS 487.6881) **Section 2** of this bill authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. **Section 2** also provides that any such charge for storage of a motor vehicle must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same

geographic area, as determined by the Department of Motor Vehicles, except that a body shop may request a hearing by the Department to show good cause as to why the body shop should be allowed to impose a charge which exceeds that limit.

Under existing law, a body shop must complete an on-line survey to report certain information, including the labor rate charged by the body shop, to the Department of Motor Vehicles within 60 days immediately preceding the date of submission of the application for renewal of the license of the body shop. (NRS 487.685) **Section 5** of this bill requires that a body shop also report to the Department in the on-line survey the rate charged by the body shop for storage of vehicles, if any, including both an indoor vehicle storage rate and an outdoor vehicle storage rate, if those rates differ. **Section 6** of this bill requires the Department to calculate and post the prevailing storage rates for each specific geographic area in a report that must be made available to the public on-line. (NRS 487.686)

Existing law requires a body shop to provide to a person requesting or authorizing the repair of a motor vehicle a written estimate or statement indicating the total charge for the repair, including the charge for labor and all parts and accessories necessary to perform the work. (NRS 487.6875) Existing law also requires a body shop to display in its place of business a sign setting forth various rights of the customer, including the right to receive a written estimate of charges for repairs made to the vehicle which exceed \$50. (NRS 487.6871) **Section 9** of this bill requires that the person requesting or authorizing the repair is also entitled to receive from the body shop a written statement of charges for storage of the vehicle, if any, which could exceed \$50. **Section 7** of this bill provides that the sign in a body shop which is required to set forth the various rights of the customer must also include language stating that the customer is entitled to receive a written statement of charges for storage of the vehicle, if any, which could exceed \$50. **Section 7** also requires such signs to display the Internet address of the Division of Compliance Enforcement of the Department of Motor Vehicles and the telephone number of the closest office of the Division.

**Section 3** of this bill provides that if a motor vehicle is towed to a body shop at the request of someone other than the registered owner or an authorized agent of the owner, the body shop which receives the motor vehicle must make reasonable attempts to notify the registered owner of the motor vehicle of the location of the vehicle. **Section 3** further provides that the body shop may impose a charge for storage of such a motor vehicle.

**Section 3.5 of this bill requires under certain circumstances that body shops and garage operators inform certain persons as to the forms of payment which the shop or garage accepts.**

Sections 12-14 of this bill provide for injunctive relief, civil penalties and a criminal misdemeanor penalty for violations of the provisions of this bill.

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

**Section 1.** Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~and~~ 3 and 3.5 of this act.

**Sec. 2. 1.** *Except as otherwise provided in NRS 487.6881, a body shop may impose a reasonable charge for storage of a motor vehicle that is in the possession of the body shop except that no such charge may be imposed:*

*(a) For any day when the motor vehicle is being repaired, inspected, test driven or otherwise worked on by the body shop;*

*(b) For any day when the motor vehicle is being inspected, test driven ~~or reviewed~~ or otherwise worked on by the insurer of the motor vehicle or by the body shop at the request of the insurer of the vehicle;*

*(c) For 24 hours after the person who authorized the repair of the motor vehicle has been notified that the repairs are completed; and*

*(d) For any day that the motor vehicle is not being repaired, inspected, test driven ~~or reviewed~~ or otherwise worked on due to a delay caused by anyone other than the owner of the motor vehicle, except that if the delay is due to the failure of the insurer to respond to a request by the body shop for inspection, authorization or other service by the insurer, a storage charge may be imposed 24 hours after the body shop made the request of the insurer.*

**2.** *Except as otherwise provided in subsection 3, the rate charged by a body shop for storage of a motor vehicle pursuant to subsection 1 shall be deemed reasonable if it does not exceed an amount equal to one and one-half times the prevailing storage rates for the specific geographic area in which the body shop is located, as made available to the public pursuant to NRS 487.686.*

**3.** *A body shop that wishes to impose a charge for storage of a motor vehicle which exceeds the amount allowable pursuant to subsection 2 may petition the Department in writing for a hearing. The Department shall conduct a hearing within 30 days after receipt of the petition, or as soon thereafter as is practicable, ~~and~~ which, if practicable, must be conducted in the county where the body shop is located. The scope of the hearing must be limited to evidence presented by the body shop of good cause to impose a charge for storage of a motor vehicle which exceeds the amount otherwise allowable pursuant to subsection 2. The hearing officer shall render his or her determination not later than 10 days after the date of the*

hearing. The decision of the hearing officer pursuant to this subsection is a final decision for purposes of judicial review.

Sec. 3. 1. If a motor vehicle is towed to a body shop at the request of someone other than the registered owner of the motor vehicle, the body shop shall use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this or any other state and ~~notify~~ :

(a) Notify the registered owner of the location of the vehicle.

(b) Provide the registered owner with the information required pursuant to section 3.5 of this act.

2. Any charge imposed for storage of a motor vehicle pursuant to this section must meet the requirements of section 2 of this act.

Sec. 3.5. 1. A body shop or garage operator, as applicable, must inform a person regarding the types of payment the body shop or garage accepts:

(a) If the person is a prospective customer or customer, before the prospective customer or customer authorizes the body shop or garage operator to perform repair work on his or her vehicle; and

(b) In the specific instance of a body shop, if the:

(1) Person is the registered owner of the vehicle;

(2) Vehicle is towed to the body shop at the request of someone other than the registered owner of the motor vehicle; and

(3) Body shop notifies the registered owner of the location of the vehicle, as required pursuant to section 3 of this act.

2. The information required to be provided pursuant to subsection 1:

(a) Must be in writing;

(b) May be incorporated into a form already used by the body shop or garage operator for another purpose, including, without limitation, a form used to authorize repairs or estimate the cost of repairs or storage; and

(c) Must set forth, without limitation:

(I) Whether the body shop or garage provides the service of directly billing an insurance company for any payment due;

(2) Whether the body shop or garage accepts only cash as payment;

(3) Whether the body shop or garage accepts credit or debit cards;

(4) If the body shop or garage accepts credit or debit cards, or both:

(I) The brand or type of such cards the body shop or garage accepts; and

(II) Whether the body shop or garage imposes a fee or surcharge for the use of a credit or debit card;

(5) Whether the body shop or garage accepts personal checks or travelers' checks; and

**(6) If the body shop or garage does not accept only cash as payment, whether the body shop or garage offers a discount for making payment in the form of cash.**

**Sec. 4.** NRS 487.530 is hereby amended to read as follows:

487.530 As used in NRS 487.530 to 487.690, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 487.532 to 487.553, inclusive, have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 487.685 is hereby amended to read as follows:

487.685 1. A body shop licensed in this State must complete an on-line survey within 60 days immediately preceding the date of the submission of the application for renewal of the license of the body shop.

2. The Department shall conduct the survey by providing a form on its website or other Internet site to be completed by each body shop and submitted electronically to the Department.

3. Each survey must include, without limitation:

- (a) The name and address of the body shop;
- (b) The labor rate charged by the body shop; ~~and~~
- (c) **The vehicle storage rate charged by the body shop, if any, both for indoor storage and outdoor storage, if those rates differ; and**
- (d) Any other information the Department deems necessary.

4. The information obtained from each survey must be available to the public on-line not more than 30 days after the renewal of the body shop's license.

**Sec. 6.** NRS 487.686 is hereby amended to read as follows:

487.686 1. The Department must compile the results of each survey completed pursuant to NRS 487.685 in a report which must be made available to the public on-line. The report must include, without limitation:

- (a) The names and addresses of all body shops that complete the survey;
- (b) ~~The prevailing labor rate for~~ **For** body shops in a specific geographic area as established by the Department ~~and~~:

- (1) **The prevailing labor rate;**
- (2) **The prevailing indoor vehicle storage rate; and**
- (3) **The prevailing outdoor vehicle storage rate; and**

(c) Any other information the Department deems necessary.

2. As used in this section ~~the~~ **“prevailing”**:

(a) **“Prevailing indoor vehicle storage rate” means the average daily charge for storing a motor vehicle indoors, as reported in the survey for a specific geographic area.**

(b) **“Prevailing labor rate” means the average labor rate, as reported in the survey ~~in~~ for a specific geographic area.**



(c) *“Prevailing outdoor vehicle storage rate” means the average daily charge for storing a motor vehicle outdoors, as reported in the survey for a specific geographic area.*

**Sec. 7.** NRS 487.6871 is hereby amended to read as follows:

487.6871 1. Each garage operator shall display conspicuously in those areas of his or her place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF  
MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS  
AS A CUSTOMER IN NEVADA:

**YOU** have the right to receive repairs from a business that is **REGISTERED** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

**YOU** have the right to receive a **WRITTEN ESTIMATE** of charges for repairs made to your vehicle which exceed \$50. (NRS 487.6875)

**YOU** have the right to read and understand all documents and warranties **BEFORE YOU SIGN THEM.** (NRS 487.6871)

**YOU** have the right to **INSPECT ALL REPLACED PARTS** and accessories that are covered by a warranty and for which a charge is made. (NRS 487.6883)

**YOU** have the right to request that all replaced parts and accessories that are not covered by a warranty **BE RETURNED TO YOU AT THE TIME OF SERVICE.** (NRS 487.6883)

**YOU** have the right to require authorization **BEFORE** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 487.6877)

**YOU** have the right to receive a **COMPLETED STATEMENT OF CHARGES** for repairs made to your vehicle. (NRS 487.6893)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF MOTOR VEHICLES

2. Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA  
LICENSED BODY SHOP

THIS BODY SHOP IS LICENSED BY THE DEPARTMENT OF  
MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS  
AS A CUSTOMER IN NEVADA:

**YOU** have the right to receive repairs from a business that is **LICENSED** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

**YOU** have the right to receive a **WRITTEN ESTIMATE** of charges for repairs made to your vehicle which exceed \$50 ~~{ }~~ ***and, if any, the rate of and circumstances under which you will be charged more than \$50 for the storage of your vehicle.*** (NRS 487.6875)

**YOU** have the right to read and understand all documents and warranties **BEFORE YOU SIGN THEM.** (NRS 487.6871)

**YOU** have the right to **INSPECT ALL REPLACED PARTS** and accessories that are covered by a warranty and for which a charge is made. (NRS 487.6883)

**YOU** have the right to request that all replaced parts and accessories that are not covered by a warranty **BE RETURNED TO YOU AT THE TIME OF SERVICE.** (NRS 487.6883)

**YOU** have the right to require authorization **BEFORE** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 487.6877)

**YOU** have the right to receive a **COMPLETED STATEMENT OF CHARGES** for repairs made to your vehicle ~~{ }~~ ***and for storage of your vehicle, if applicable.*** (NRS 487.6893)

FOR MORE INFORMATION PLEASE CONTACT:  
THE DEPARTMENT OF MOTOR VEHICLES

3. The sign required pursuant to the provisions of subsection 1 or 2 must include a replica of the Great Seal of the State of Nevada. The Seal must be 2

inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

4. ***The sign required pursuant to the provisions of subsection 1 or 2 must also include the words "The Compliance Enforcement Division of the Department of Motor Vehicles can be reached at," followed by the Internet address of the Compliance Enforcement Division and the telephone number of the nearest office of the Compliance Enforcement Division.***

5. Any person who violates the provisions of this section is guilty of a misdemeanor.

**Sec. 8.** NRS 487.6873 is hereby amended to read as follows:

487.6873 Whenever any body shop or garage operator accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, the body shop or garage operator shall comply with the provisions of NRS 487.6873 to 487.6893, inclusive ~~[ ]~~, ***and sections 2, ~~and~~ 3 and 3.5 of this act.***

**Sec. 9.** NRS 487.6875 is hereby amended to read as follows:

487.6875 1. Except as otherwise provided in NRS 487.6879, a person requesting or authorizing the repair of a motor vehicle that is more than \$50 must be furnished a written estimate or statement signed by the person making the estimate or statement on behalf of the body shop or garage operator indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

- (a) Diagnosis and disassembly; and
- (b) Reassembly, if the person does not authorize the repair.

3. ***In an estimate furnished pursuant to subsection 1, a body shop ~~must~~ shall include, if any, the rate of and circumstances under which the person requesting or authorizing the repair would incur a charge for storage that exceeds \$50.***

4. The provisions of this section do not require a body shop or garage operator to reassemble a motor vehicle if the body shop or garage operator determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

**Sec. 10.** NRS 487.6881 is hereby amended to read as follows:

487.6881 1. An owner and the insurer of a motor vehicle who have been notified of additional charges pursuant to NRS 487.6877 shall:

- (a) Authorize the performance of the repair at the additional expense; or
- (b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the body shop or garage operator shall not undertake any repair which would involve such additional charges.

3. If the owner or insurer of the motor vehicle elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after the election ~~[, the body shop or]~~ :

(a) *The* garage operator may charge for storage of the *motor* vehicle.

(b) *The body shop may impose a reasonable charge for storage of the motor vehicle in accordance with the provisions of section 2 of this act.*

**Sec. 11.** NRS 487.6893 is hereby amended to read as follows:

487.6893 1. If charges are made for the repair of a motor vehicle, the garage operator or body shop making the charges shall present to the person authorizing repairs or the person entitled to possession of the motor vehicle a statement of the charges setting forth the following information:

(a) The name and signature of the person authorizing repairs;

(b) A statement of the total charges;

(c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for labor; ~~and~~

(d) ~~[A]~~ *In the case of a garage operator, a description of all other charges* ~~[ ]~~; *and*

(e) *In the case of a body shop, a description of all other charges, including, without limitation, charges, if any, for storage of the motor vehicle.*

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of a motor vehicle registered in this State, no lien for labor or materials provided under NRS 108.265 to 108.367, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered owner and the legal owner of the motor vehicle. In all other cases, the notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.

**Sec. 12.** NRS 487.6895 is hereby amended to read as follows:

487.6895 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Director, or of any person allegedly aggrieved by a violation of the provisions of NRS 487.6875 to 487.6893, inclusive, *and sections 2, ~~and~~ 3 and 3.5 of this act* to enjoin any violation of the provisions of NRS 487.6875 to 487.6893, inclusive ~~[ ]~~, *and sections 2, ~~and~~ 3 and 3.5 of this act.*

**Sec. 13.** NRS 487.6897 is hereby amended to read as follows:

487.6897 Any person who knowingly violates any provision of NRS 487.6873 to 487.6893, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act** is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than \$500 for each offense, which may be recovered by civil action on complaint of the Director or the district attorney.

**Sec. 14.** NRS 487.690 is hereby amended to read as follows:

487.690 Any person who violates any of the provisions of NRS 487.530 to 487.690, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act** is guilty of a misdemeanor.

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 176.

Bill read second time.

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

Amendment No. 665.

AN ACT relating to children; requiring an agency which provides child welfare services to determine whether certain reports concerning the possible abuse or neglect of a child are substantiated or unsubstantiated; setting forth that if such an agency substantiates a report alleging the person responsible for a child's welfare has abused or neglected the child, the agency must notify that person in writing of its intent to place the person's name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, and that the person may administratively appeal the substantiation of the report; requiring the findings of fact in certain adjudicatory hearings to be included as part of the disposition of the case in the report required to be made to the Central Registry; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires, with certain exceptions, an agency which provides child welfare services to investigate each report of abuse or neglect received or referred to the agency. (NRS 432B.300) **Section 7** of this bill requires an agency which provides child welfare services to determine whether a report concerning the possible abuse or neglect of a child that the agency has determined warrants an investigation is substantiated or unsubstantiated. ~~The definitions set forth in section 7 provide that a report that was~~

~~investigated is “substantiated” if credible evidence of the abuse or neglect exists and is “unsubstantiated” if no credible evidence of the abuse or neglect exists.~~ If the agency determines a report is substantiated, **section 3** of this bill requires the agency to provide to the person responsible for the child’s welfare and who is named in the report as allegedly causing the abuse or neglect, written notification which includes statements indicating: (1) that the report which was made against the person has been substantiated and the agency intends to place the person’s name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; (2) that the person has the right to request an administrative appeal of the substantiation of the report and the agency’s intention to place the person’s name in the Central Registry; and (3) the manner for requesting such an appeal.

**Section 4** of this bill sets forth the process for such an administrative appeal and provides that the appeal is stayed upon written notice to the agency of a pending adjudicatory hearing on a petition alleging that a child is in need of protection, which hearing arose out of the same incident as the report. **Section 4** also sets forth the circumstances establishing a conclusive presumption that the substantiation of the report will be affirmed and the person’s name will be placed in the Central Registry.

**Existing law provides certain circumstances in which an investigation of child abuse or neglect is not warranted, including when the agency which provides child welfare services determines that the alleged act was the result of the reasonable exercise of discipline by a parent or guardian involving the use of corporal punishment. (NRS 432B.260) Section 6 of this bill removes the examples of spanking or paddling within that provision and further removes the requirement that the agency which provides child welfare services upon making such a determination remove all references of the matter from its records.**

Existing law requires the agency investigating a report of abuse or neglect of a child to report certain information to the Central Registry after completing the investigation, including the disposition of the case. (NRS 432B.310) **Section 9** of this bill requires such an agency to include the findings of fact recorded by the court in certain adjudicatory hearings and certain specific allegations admitted to by the parties as part of the disposition of the case in the report the agency makes to the Central Registry.

Existing law further prohibits an agency which provides child welfare services from reporting to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure, unless the agency determines that a person has abused or neglected the child.

(NRS 432B.310) **Section 8** of this bill specifies that such abuse or neglect of the child must have occurred after the child was born.

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

**Section 1.** Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2.** *“Central Registry” has the meaning ascribed to it in NRS 432.0999.*

**Sec. 3.** *If an agency which provides child welfare services determines pursuant to NRS 432B.300 that a report made pursuant to NRS 432B.220 is substantiated, the agency shall provide written notification to the person responsible for the child’s welfare who is named in the report as allegedly causing the abuse or neglect of the child which includes statements indicating that:*

*1. The report which was made against the person has been substantiated and the agency which provides child welfare services intends to place the person’s name in the Central Registry pursuant to NRS 432B.310; and*

*2. The person may request an administrative appeal of the substantiation of the report and the agency’s intention to place the person’s name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required pursuant to section 4 of this act.*

**Sec. 4.** *1. A person to whom a written notification is sent pursuant to section 3 of this act may request an administrative appeal of the substantiation of the report and the agency’s intention to place the person’s name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sent the written notification as required pursuant to section 3 of this act.*

*2. Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a request for an administrative appeal within 15 days after the agency sent the written notification pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.*

*3. An administrative appeal is stayed upon the receipt of written notification to the agency which provides child welfare services of a pending adjudicatory hearing pursuant to NRS 432B.530 which arose out of the same incident as the incident upon which the report made pursuant to NRS 432B.220 was premised. The stay of the administrative appeal is lifted when:*

*(a) A final determination is made in the adjudicatory hearing; or*

*(b) The adjudicatory hearing is dismissed or terminated if the adjudicatory hearing does not result in a final determination being made.*

*4. If a request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to NRS 432B.310.*

*5. If the hearing officer in a hearing that is held pursuant to this section:*

*(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to NRS 432B.310; or*

*(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person's name in the Central Registry pursuant to NRS 432B.310.*

*6. A conclusive presumption that the substantiation of the report will be affirmed and the person's name will be placed in the Central Registry pursuant to NRS 432B.310 is established if there is a final determination in an adjudicatory hearing that the child was in need of protection.*

*7. The decision of a hearing officer in a hearing that is held pursuant to this section is a final decision for the purposes of judicial review.*

*8. As used in this section, "final determination in an adjudicatory hearing" means a finding made by a court pursuant to subsection 5 of NRS 432B.530 as to whether a child was in need of protection at the time of the removal of the child from the home that is based on the child being subjected to abuse or neglect by the person to whom a written notice was sent pursuant to section 3 of this act.*

**Sec. 5.** NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

**Sec. 6.** NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child;
- (c) The child has suffered a fatality; or



(d) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;

(c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from any prenatal drug exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment : ~~including, without limitation, spanking or paddling;~~ and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, **and sections 2, 3 and 4 of this act**, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

~~1. If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall delete all references to the matter from its records.~~

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. ~~An~~ *If an* agency which provides child welfare services ~~that~~ determines *pursuant to paragraph (a), (b) or (c) of* subsection 3 that an investigation is not warranted, *the agency* may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

**Sec. 7.** NRS 432B.300 is hereby amended to read as follows:

432B.300 ~~Except as otherwise provided in~~

~~1. If an agency which provides child welfare services determines that an investigation of a report concerning the possible abuse or neglect of a child is warranted pursuant to~~ NRS 432B.260, ~~an agency which provides child welfare services shall investigate each report of abuse or neglect received or referred to it to~~ *the agency shall* determine ~~:~~

~~1.~~, *without limitation:*

~~(a)~~ 1. The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;

2. ~~(b)~~ Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. ~~(c)~~ Whether there is reasonable cause to believe that a child has suffered a fatality as a result of abuse or neglect regardless of whether or not there are any siblings of the child or other children who are residing in the

same household as the child who is believed to have suffered a fatality as a result of abuse or neglect;

4. ~~(d)~~ If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if the child remains in the same environment; ~~and~~

5. ~~(e)~~ The treatment and services which appear necessary to help prevent further abuse or neglect and to improve the environment of the child and the ability of the person responsible for the child's welfare to care adequately for the child ~~}; and~~

~~(f)~~ 6. *Whether the report concerning the possible abuse or neglect of a child is substantiated or unsubstantiated.*

~~f 2. As used in this section:~~

~~(a) "Substantiated" means that a report made pursuant to NRS 432B.220 was investigated and that credible evidence of the abuse or neglect exists.~~

~~(b) "Unsubstantiated" means that a report made pursuant to NRS 432B.220 was investigated and that no credible evidence of the abuse or neglect exists. The term includes efforts made by an agency which provides child welfare services to prove or disprove an allegation of abuse or neglect that the agency is unable to prove because it was unable to locate the child or the person responsible for the welfare of the child.~~

**Sec. 8.** NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the abuse or neglect;

(b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted, the severity of the injuries and, if applicable, any information concerning the death of the child; and

(c) The disposition of the case.

2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child ~~};~~

~~3. As used in this section, "Central Registry" has the meaning ascribed to it in NRS 432.0999.] after the child was born.~~

**Sec. 9.** NRS 432B.530 is hereby amended to read as follows:

432B.530 1. An adjudicatory hearing must be held within 30 days after the filing of the petition, unless good cause is shown or the hearing has been continued until a later date pursuant to NRS 432B.513.

2. At the hearing, the court shall inform the parties of the specific allegations in the petition and give them an opportunity to admit or deny them. If the allegations are denied, the court shall hear evidence on the petition.

3. In adjudicatory hearings, all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value. The parties or their attorney must be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when reasonably available.

4. The court may require the child to be present in court at the hearing.

5. If the court finds by a preponderance of the evidence that the child was in need of protection at the time of the removal of the child from the home, it shall record its findings of fact and may proceed immediately or at another hearing held within 15 working days, to make a proper disposition of the case. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and, if the child is in protective custody, order the immediate release of the child.

**6. *The findings of fact recorded by the court pursuant to subsection 5 and any specific allegations in the petition admitted to by the parties must be included as part of the disposition of the case in the report required to be made to the Central Registry pursuant to NRS 432B.310.***

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 178.

Bill read second time and ordered to third reading.

Senate Bill No. 180.

Bill read second time and ordered to third reading.

Senate Bill No. 181.

Bill read second time and ordered to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

Senate Bill No. 206.

Bill read second time and ordered to third reading.

Senate Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 630.

AN ACT relating to county roads; revising provisions relating to the manner of performing work for the construction and repair of roads and bridges in smaller counties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the county commissioners of the county make up the board of county highway commissioners. (NRS 403.010) With exceptions for emergencies and instances in which a county performs its own work with day labor and county equipment, if the construction of any superstructure related to a county road may require the expenditure of \$500 or more, the board of county highway commissioners is required to advertise for bids and let contracts pursuant to certain competitive bidding provisions imposed on local government. (NRS 332.039, 403.490) **Section 1** of this bill provides that if the probable cost of road work does not exceed \$100,000, a county may advertise for bids and let contracts pursuant to chapter 332 or 338 of NRS or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds \$100,000, a county is required to advertise for bids and let contracts pursuant to chapter 332 or 338 of NRS, except that, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties), the board of county highway commissioners may instead determine, at a hearing and with the provision of certain notice requirements, to perform the work with county employees or day labor and using county equipment if the estimated cost of the project is more than \$100,000 but less than \$250,000. **Section 2** of this bill makes a parallel, conforming change with respect to the construction and repair of bridges.

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

**Section 1.** NRS 403.490 is hereby amended to read as follows:

403.490 1. To perform any work or construct any superstructure under this chapter wherein an expenditure of ~~[\$500]~~ **\$100,000** or more may be necessary, the board of county highway commissioners shall cause definite plans of such work or superstructure to be made, estimates of the amount of work to be done and the probable cost thereof, together with a copy of the specifications thereof.

2. ~~Upon~~ **Except as otherwise provided in subsection 3, upon** receipt of the plans, estimates and specifications ~~for a project for which the estimated cost is \$100,000 or more,~~ the board of county highway commissioners shall advertise for bids and let contracts in the manner prescribed by chapter 332 ~~or 338~~ of NRS ~~[-],~~ **as applicable.**

3. ~~After submission of bids, the board of county highway commissioners may reject any and all bids and advertise anew, or the board may order the work done by day's work under the supervision of the county road supervisor.]~~ **In a county whose population is less than 45,000, if the estimated cost of a project is \$100,000 or more but less than \$250,000, the board of county highway commissioners may hold a hearing to determine, by majority vote of the board, if the project can be performed by county employees or through the employment of day labor under the supervision of the board and by the use of its own machinery, tools and other equipment without advertising for bids and letting contracts pursuant to subsection 2. Notice for such a hearing must be provided not less than 15 days before the date of the hearing and must be published pursuant to the provisions of NRS 238.010 to 238.080, inclusive. The board shall provide, in the notice and at least 15 days before the hearing at the office of the board and at the place of the hearing, the following information, without limitation:**

(a) A list of:

(1) All county employees, if any, including supervisors, who will perform the work, including, without limitation, the classification of each employee and an estimate of the direct and indirect costs of the labor;

(2) The number of day laborers, if any, that will be employed to perform the work; and

(3) All machinery, tools and other equipment of the county to be used on the project.

(b) An estimate of:

(1) The direct and indirect costs of the labor of the county employees who will perform the work, if any;

(2) The direct and indirect costs of the labor of any day laborers who will be employed to perform the work ~~for~~ **pursuant to chapter 338 of NRS;**

(3) *The cost of any administrative support that will be required for the performance of the work;*

(4) *The total cost of the project, including, without limitation, the fair market value or, if available, the actual cost of all materials, supplies, equipment and labor necessary for the project; and*

(5) *The amount of savings to be realized by having county employees or day laborers perform the work.*

4. In cases of emergency the board of county highway commissioners may let contracts for repairs in the manner prescribed by chapter 332 of NRS.

5. Nothing in this section shall prevent any county from opening, building, improving or repairing any public road or highway in the county ~~by the~~ **through the work of county employees or the** employment of day labor, under the supervision of the board of county highway commissioners and by the use of its own machinery, tools and other equipment, without letting contracts to the lowest responsible bidder, ~~irrespective of~~ **if** the probable cost of the work ~~is~~ **does not exceed \$100,000.**

**Sec. 2.** NRS 403.600 is hereby amended to read as follows:

403.600 1. No bridge shall be constructed or repaired except on the order of the board of county commissioners, or unless a petition is filed as provided in NRS 403.610.

2. In entering into a contract for the construction or repair of a bridge, the board of county commissioners shall comply with ~~chapter 332 of~~ NRS ~~is~~ **403.610.**

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 233.

Bill read second time and ordered to third reading.

Senate Bill No. 258.

Bill read second time and ordered to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 629.

AN ACT relating to motor vehicles; requiring that certain devices be installed in vehicles that are designed to display certain advertisements ~~for~~ ~~other content~~ while moving over the highways of this State; **limiting the**

display of such advertisements to taxicabs; providing certain requirements concerning the equipment used to display such advertisements; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill prohibits a person from operating a motor vehicle to which is attached a dynamic display device, commonly known as a mobile billboard, on which the images or other content change periodically, upon the highways of this State, unless the motor vehicle is a taxicab and is also equipped with a display management system that is programmed to allow the image or content that is displayed to be changed only when the motor vehicle is: (1) not moving; or (2) in a location where the image or content may be changed without causing undue distraction to the operators of other vehicles. This bill also provides that such a dynamic display device may not: (1) consist of more than three monitors, screens or viewers; (2) project or otherwise show moving images, moving information or other moving content; and (3) include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area. A violation of this prohibition is punishable as a misdemeanor. (NRS 484A.900). This bill does not require a display management system if a dynamic display device is operated for purposes other than advertisement.

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

**Section 1.** Chapter 484D of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless ~~the~~:*

*(a) The motor vehicle is ~~also equipped~~:*

*(1) A taxicab for which a currently valid certificate of public convenience and necessity has been issued pursuant to chapter 706 of NRS; and*

*(2) Equipped with a display management system which is configured to ~~allow~~ prevent the image or content displayed on the dynamic display ~~to be changed only~~ from changing when the motor vehicle is:*

*~~(a) Not moving; or~~*

*~~(b)~~*

*(I) Moving;*

*(II) In a turnout; or*

*(III) In ~~at~~ any other location ~~including, without limitation, an alley, parking lot or turnout,~~ where changing the image or content*



displayed on the dynamic display may ~~be changed without causing~~ cause undue distraction to the operators of other vehicles ~~and~~; and

(b) The dynamic display does not:

(1) Consist of more than three monitors, screens or viewers;

(2) Project or otherwise show moving images, moving information or other moving content; or

(3) Include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

~~[(b)]~~ (c) For purposes of law enforcement or emergency response;

~~[(c)]~~ (d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

~~[(d)]~~ (e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 267.

Bill read second time and ordered to third reading.

Senate Bill No. 276.

Bill read second time and ordered to third reading.

Senate Bill No. 285.

Bill read second time and ordered to third reading.

Senate Bill No. 287.

Bill read second time and ordered to third reading.

Senate Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 609.

AN ACT relating to education; authorizing ~~[a qualified]~~ high school ~~pupil]~~ **pupils** who ~~complete]~~ **satisfy certain qualifications to complete** a public or private internship ~~to]~~ **and** receive credit toward ~~this or her]~~ **the** academic **credit** requirements for graduation from high school; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the academic subjects and courses of study which are required **for pupils** to receive a standard high school diploma in this State. (NRS 389.018-389.180) **Section 1** of this bill authorizes a ~~qualified]~~ high school pupil who is enrolled in grade 11 or 12 **and who satisfies the qualifications prescribed by the board of trustees of the school district or the governing body of the charter school in which the pupil is enrolled** to receive one elective credit toward ~~this or her]~~ **the** academic **credit** requirements for graduation **from high school** by completing a public or private internship of not less than 60 hours. **Section 1 also requires the board of trustees of a school district or the governing body of a charter school to obtain the approval of the State Board of Education before authorizing pupils to participate in such internships.**

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

**Section 1.** Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A pupil enrolled in grade 11 or 12 at a public school who is at least 16 years of age must be allowed to apply not more than one credit toward the total number of credits required for graduation from high school if the pupil successfully completes a public or private internship which has been approved pursuant to subsection 2 and which is of a duration of not less than 60 hours in a school year. The credit must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.*

*2. ~~With]~~ If the board of trustees of a school district or the governing body of a charter school obtains the approval of the State Board, the board*

*of trustees ~~of a school district~~ or the governing body ~~of a charter school~~ may authorize ~~a qualified pupil~~ pupils enrolled in the school district or charter school who satisfy the qualifications prescribed pursuant to subparagraph (2) of paragraph (a) to participate in a public or private internship for the purpose of obtaining credit pursuant to subsection 1. If a board of trustees or governing body of a charter school authorizes the participation in a public or private internship, the board of trustees or governing body shall:*

*(a) Prescribe:*

*(1) The fields, trades or occupations in which a pupil may complete a public or private internship, including, without limitation, agriculture, medical and health sciences, manufacturing and construction;*

*(2) The qualifications of a pupil for participation in a public or private internship;*

*(3) The manner in which a qualified pupil must apply for participation in a public or private internship; and*

*(4) The manner for verifying that a pupil has completed the requisite number of hours to qualify for credit; and*

*(b) Establish and maintain a nonexclusive list of participating businesses, agencies and organizations which offer the employment and supervision of pupils for the purposes of obtaining academic credit in a public or private internship pursuant to this section.*

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** 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, 2013, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 315.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 338.

Bill read second time and ordered to third reading.

Senate Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No. 371.

Bill read second time and ordered to third reading.

Senate Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 611.

SUMMARY—~~Directs the Legislative Committee on Education to conduct an interim study.~~ **Requires reporting by the State Board of Education and school districts** concerning gifts and bequests relating to education. (BDR ~~[S-147]~~ **34-147**)

AN ACT relating to education; ~~directing the Legislative Committee on Education to conduct an interim study.~~ **requiring information** concerning **certain** gifts or bequests of money or property to **be reported by** the State Board of Education ~~for~~ **and** the board of trustees of ~~for~~ **each** school district; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[This bill directs the Legislative Committee on Education to conduct an interim study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. This bill also requires the Committee to submit a copy of the final written report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.]~~ **Under existing law, the State Board of Education is authorized to accept gifts of money for deposit in the Education Gift Fund and the board of trustees of each school district is authorized to accept gifts and bequests of money and property for purposes deemed suitable by the board of trustees. (NRS 385.095, 386.390) This bill requires the State Board and the board of trustees of each school district to prepare reports relating to such gifts and bequests, including information relating to the donors thereof, and to include the reports on the agenda of the next regular meeting of the State Board or board of trustees, as applicable, for review of the transactions involving a gift or bequest that have taken place since the previous meeting. This bill also provides an exemption from the reporting requirement for any gift or bequest: (1) of less than \$100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than \$100,000; or (2) that is intended for a public broadcasting service.**

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

**Section 1.** (Deleted by amendment.)

**Sec. 1.3. NRS 385.095 is hereby amended to read as follows:**

385.095 Except as otherwise provided in NRS 385.091:

1. All gifts of money which the State Board is authorized to accept must be deposited in a special revenue fund in the State Treasury designated as the Education Gift Fund ~~[.]~~ **and reported pursuant to subsection 4.**

2. The money available in the Education Gift Fund must be used only for the purpose specified by the donor, within the scope of the State Board's powers and duties, and no expenditure may be made until approved by the Legislature in an authorized expenditure act or by the Interim Finance Committee if the Legislature is not in session.

3. If all or part of the money accepted by the State Board from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Education Gift Fund until needed for the purpose specified by the donor.

**4. Except as otherwise provided in subsection 5, the State Board shall record each gift of money deposited in the Education Gift Fund pursuant to this section and prepare a report which includes, for each such gift:**

**(a) The amount of the gift;**

**(b) Except as otherwise provided in subsection 6, the name of the donor of the gift;**

**(c) Any instructions provided by the donor concerning the use of the gift; and**

**(d) Information concerning any connection between the donor and the State Board or the administration of the system of public education in this State, including, without limitation:**

**(1) Any contract between the donor and the State Board;**

**(2) Any contract between the donor and the State Public Charter School Authority;**

**(3) Any bid by the donor for a contract with the State Board;**

**(4) Any bid by the donor for a contract with the State Public Charter School Authority;**

**(5) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the State Board or relating to the system of public education in this State; and**

**(6) Any service by the donor on a committee to form a charter school created pursuant to NRS 386.520.**

**5. This section does not apply to any gift of money:**

**(a) In an amount less than \$100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than \$100,000;**

**or**

**(b) That is intended for a public broadcasting service.**

6. A donor may remain anonymous for purposes of the report prepared pursuant to subsection 4, unless the donor is required to provide information pursuant to paragraph (d) of subsection 4.

7. The State Board may submit a form to each donor that requires the donor to provide the information required for inclusion in the report prepared pursuant to subsection 4. If the State Board uses such a form, the State Board may rely upon the information provided by the donor on the form for purposes of the report required of the State Board pursuant to subsection 4 and the State Board is not otherwise required to verify the contents of the information provided by the donor on the form.

8. The State Board shall include the report prepared pursuant to subsection 4 on the agenda of the next regular meeting of the State Board held pursuant to NRS 385.040 and review all transactions involving a gift listed on the report that have taken place since the previous meeting of the State Board.

9. On or before February 1 of each year, the State Board shall transmit each report prepared pursuant to subsection 4 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 1.7. NRS 386.390 is hereby amended to read as follows:

386.390 1. Each board of trustees shall have the power to accept on behalf of and for the school district 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.

2. Except as otherwise provided in subsection 3, the board of trustees of each school district shall record each gift or bequest accepted pursuant to this section and prepare a report which includes, for each such gift or bequest:

(a) The amount of the gift or bequest of money or the fair market value of the bequest of property, as applicable;

(b) Except as otherwise provided in subsection 4, the name of the donor of the gift or bequest;

(c) Any instructions provided by the donor concerning the use of the gift or bequest; and

(d) Information concerning any connection between the donor and the board of trustees or any person responsible for the administration of the system of public education in this State, including, without limitation:

(1) Any contract between the donor and the board of trustees;

(2) Any bid by the donor for a contract with the board of trustees;

(3) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the board of trustees or relating to the system of public education in this State; and

(4) Any service by the donor on a committee to form a charter school created pursuant to NRS 386.520.

3. This section does not apply to any gift or bequest:

(a) In an amount less than \$100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than \$100,000;

or

(b) That is intended for a public broadcasting service.

4. A donor may remain anonymous for purposes of the report prepared pursuant to subsection 2, unless the donor is required to provide information pursuant to paragraph (d) of subsection 2.

5. The board of trustees of a school district may submit a form to each donor that requires the donor to provide the information required for inclusion in the report prepared pursuant to subsection 2. If the board of trustees uses such a form, the board of trustees may rely upon the information provided by the donor on the form for purposes of the report required of the school district pursuant to subsection 2 and the board of trustees is not otherwise required to verify the contents of the information provided by the donor on the form.

6. The board of trustees of each school district shall include the report prepared pursuant to subsection 2 on the agenda of the next regular meeting of the board of trustees held pursuant to NRS 386.330 and review all transactions involving a gift or bequest listed on the report that have taken place since the previous meeting of the board of trustees.

7. On or before February 1 of each year, the board of trustees of each school district shall transmit each report prepared pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. ~~{1. The Legislative Committee on Education shall conduct a study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. The study must include, without limitation, a review of:~~

~~(a) The transparency of the process of making gifts and bequests of money and property;~~

~~(b) The feasibility and advisability of imposing disclosure requirements for gifts or bequests of money or property;~~

~~—(c) The feasibility and advisability of restricting the ability of the State Board or the board of trustees of a school district to accept certain kinds of gifts or bequests of money or property;~~

~~—(d) The feasibility and advisability of limiting the conditions donors may place on gifts or bequests of money or property, including, without limitation, directions concerning the manner in which a gift or bequest is to be used;~~

~~—(e) The feasibility and advisability of imposing limitations on the purposes for which a gift or bequest of money or property may be used; and~~

~~—(f) Any other issues relating to gifts or bequests of money or property the Committee deems to be relevant.~~

~~—2. The Committee shall recommend such action as may be necessary as a result of its findings.~~

~~—3. On or before February 1, 2015, the Committee shall prepare a final written report of the results of the study and submit a copy of the report and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.] (Deleted by amendment.)~~

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

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 402.

Bill read second time and ordered to third reading.

Senate Bill No. 437.

Bill read second time and ordered to third reading.

Senate Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 641.

**Section 1 of Senate Bill No. 443 is hereby amended as follows:**

Section 1. ~~[NRS 386.505 is hereby amended to read as follows:~~

~~—386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:~~

~~—1. The conversion of an existing public school, homeschool or other program of home study to a charter school.~~

~~—2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:~~



~~(a) A private school from ceasing to operate as a private school and [reopening] using the private school facility as a charter school in compliance with the provisions of NRS 386.490 to 386.610, inclusive.~~

~~(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.~~

~~3. The formation of charter schools on the basis of a single race, religion or ethnicity.] **(Deleted by amendment.)**~~

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 448.

Bill read second time and ordered to third reading.

Senate Bill No. 449.

Bill read second time and ordered to third reading.

Senate Bill No. 457.

Bill read second time and ordered to third reading.

Senate Bill No. 459.

Bill read second time and ordered to third reading.

Senate Bill No. 488.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 15 of the 76th Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 344.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 723.

AN ACT relating to public health; enacting provisions to authorize the use of Physician Orders for Life-Sustaining Treatment in this State; allowing the deposit of any Physician Order for Life-Sustaining Treatment form (POLST form) or other advance directive in the statewide health information exchange system and the Registry of Advance Directives for Health Care; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law allows any person who is of sound mind and 18 years of age or older to execute a declaration governing the withholding or withdrawal of life-sustaining treatment. (NRS 449.600, 449.610) Existing law also allows an adult person to execute a power of attorney enabling the agent named in the power of attorney to make decisions concerning health care for the principal if that principal becomes incapable of giving informed consent. (NRS 162A.700-162A.860) Existing law additionally allows certain patients suffering from a terminal condition to obtain a do-not-resuscitate order from a physician and a do-not-resuscitate identification from the health authority. (NRS 450B.510-450B.525) A declaration governing the withholding or withdrawal of life-sustaining treatment, a durable power of attorney for health care decisions and a do-not-resuscitate order are all classified as advance directives. (NRS 449.905) **Section 15** of this bill requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment form (POLST form), another type of advance directive which records the wishes of a patient and directs any provider of health care regarding the provision of life-resuscitating and life-sustaining treatment.

**Sections 16, 17, 36 and 37** of this bill specify who is allowed to execute and revoke a POLST form. **Section 18** of this bill resolves potential conflicts between a POLST form and another advance directive. **Sections 19 and 22** of this bill convey similar protections and immunities to providers of health care with regard to a POLST form as are conveyed with regard to other advance directives.

Under existing law, a provider of health care or a person who administers emergency medical services is required to comply with an advance directive or take reasonable measures to transfer the patient to a provider of health care willing to do so, and imposes a penalty for failure to do so. (NRS 449.628, 449.660, 450B.550, 450B.580) **Sections 20 and 23** of this bill enact similar provisions with regard to a POLST form. **Section 21** of this bill establishes that a provider of health care may assume the validity of a POLST form unless he or she has knowledge to the contrary.

**Section 22** provides that the execution of a POLST form or the lack thereof does not affect the sale, procurement or terms of a policy of life insurance or annuity, and cannot be used as a reason to withhold health care

or health insurance. **Section 23** provides a penalty if health care or health insurance is withheld. Existing law provides penalties for any person who willfully conceals, cancels, defaces, obliterates, forges or fraudulently induces the execution of a declaration governing the withholding or withdrawal of life-sustaining treatment. (NRS 449.660) **Section 23** establishes similar penalties with respect to a POLST form. **Section 25** of this bill sets forth that a POLST form executed in another state in compliance with the laws of that state or this State is valid in this State. **Section 26** of this bill authorizes the State Board of Health to adopt regulations to carry out the provisions of this bill.

Existing law provides for a statewide health information exchange system and a Registry of Advance Directives for Health Care, in which certain health records of a patient may be deposited to facilitate treatment of that patient by any health care provider. (NRS 439.581-439.595, 449.900-449.965) **Sections 28 and 29** of this bill allow a POLST form to be deposited in the exchange and the Registry. **Section 32** of this bill allows a patient who has executed a POLST form providing for the withholding of life-resuscitating treatment to apply for a do-not-resuscitate identification.

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

**Section 1.** Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Attending physician” has the meaning ascribed to it in NRS 449.550.*

**Sec. 4.** *“Do-not-resuscitate identification” has the meaning ascribed to it in NRS 450B.410.*

**Sec. 5.** *“Do-not-resuscitate order” has the meaning ascribed to it in NRS 450B.420.*

**Sec. 6.** *“Emergency care” means the use of life-resuscitating treatment and other immediate treatment provided in response to a sudden, acute and unanticipated medical emergency in order to avoid injury, impairment or death.*

**Sec. 7.** *“Health care facility” has the meaning ascribed to it in NRS 162A.740.*

**Sec. 8.** *“Incompetent” has the meaning ascribed to it in NRS 159.019.*

**Sec. 9.** *“Life-resuscitating treatment” has the meaning ascribed to it in NRS 450B.450.*

Sec. 10. *“Life-sustaining treatment” has the meaning ascribed to it in NRS 449.570.*

Sec. 11. *“Other types of advance directives” means an advance directive as defined in NRS 449.905, but does not include a POLST form.*

Sec. 12. *“Physician Order for Life-Sustaining Treatment form” or “POLST form” means the form prescribed pursuant to section 15 of this act that:*

1. *Records the wishes of the patient; and*
2. *Directs a provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment.*

Sec. 13. *“Provider of health care” means an individual who is licensed, certified or otherwise authorized or allowed by law to provide health care in the ordinary course of business or practice of a profession, and includes a person who:*

1. *Is described in NRS 629.031; or*
2. *Administers emergency medical services as defined in NRS 450B.460.*

Sec. 14. *“Representative of the patient” means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449.600 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.860, inclusive.*

Sec. 15. *The Board shall prescribe a standardized Physician Order for Life-Sustaining Treatment form, commonly known as a POLST form, which:*

1. *Is uniquely identifiable and has a uniform color;*
2. *Provides a means by which to indicate whether the patient has made an anatomical gift pursuant to NRS 451.500 to 451.598, inclusive;*
3. *Gives direction to a provider of health care or health care facility regarding the use of emergency care and life-sustaining treatment;*
4. *Is intended to be honored by any provider of health care who treats the patient in any health-care setting, including, without limitation, the patient’s residence, a health care facility or the scene of a medical emergency; and*
5. *Includes such other features and information as the Board may deem advisable.*

Sec. 16. 1. *A physician shall take the actions described in subsection 2:*

- (a) *If the physician diagnoses a patient with a terminal condition;*
- (b) *If the physician determines, for any reason, that a patient has a life expectancy of less than 5 years; or*

(c) *At the request of a patient.*

2. *Upon the occurrence of any of the events specified in subsection 1, the physician shall explain to the patient:*

(a) *The existence and availability of the Physician Order for Life-Sustaining Treatment form;*

(b) *The features of and procedures offered by way of the POLST form; and*

(c) *The differences between a POLST form and the other types of advance directives.*

3. *Upon the request of the patient, the physician shall complete the POLST form based on the preferences and medical indications of the patient.*

4. *A POLST form is valid upon execution by a physician and:*

(a) *If the patient is 18 years of age or older and of sound mind, the patient;*

(b) *If the patient is 18 years of age or older and incompetent, the representative of the patient; or*

(c) *If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.*

5. *As used in this section, "terminal condition" has the meaning ascribed to it in NRS 449.590.*

Sec. 17. 1. *A Physician Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:*

(a) *The patient who executed it, if competent, without regard to his or her age or ~~mental or~~ physical condition;*

(b) *If the patient is incompetent, the representative of the patient; or*

(c) *If the patient is less than 18 years of age, a parent or legal guardian of the patient.*

2. *The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:*

(a) *Make the revocation a part of the medical record of the patient; or*

(b) *Cause the revocation to be made a part of the medical record of the patient.*

Sec. 18. 1. *If a valid Physician Order for Life-Sustaining Treatment form sets forth a declaration, direction or order which conflicts with a declaration, direction or order set forth in one or more of the other types of advance directives:*

(a) *The declaration, direction or order set forth in the document executed most recently is valid; and*

*(b) Any other declarations, directions or orders that do not conflict with a declaration, direction or order set forth in another document referenced in this subsection remain valid.*

*2. If a valid POLST form sets forth a declaration, direction or order to provide life-resuscitating treatment to a patient who also possesses a do-not-resuscitate identification, a provider of health care shall not provide life-resuscitating treatment if the do-not-resuscitate identification is on the person of the patient when the need for life-resuscitating treatment arises.*

**Sec. 19. 1.** *A provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability if:*

*(a) The provider of health care withholds emergency care or life-sustaining treatment:*

*(1) In compliance with a Physician Order for Life-Sustaining Treatment form and the provisions of sections 2 to 26, inclusive, of this act; or*

*(2) In violation of a Physician Order for Life-Sustaining Treatment form if the provider of health care is acting in accordance with a declaration, direction or order set forth in one or more of the other types of advance directives and:*

*(I) Complies with the provisions of section 20 of this act; or*

*(II) Reasonably and in good faith, at the time the emergency care or life-sustaining treatment is withheld, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to section 17 of this act; or*

*(b) The provider of health care provides emergency care or life-sustaining treatment:*

*(1) Pursuant to an oral or written request made by the patient, the representative of the patient, or a parent or legal guardian of the patient, who may revoke the POLST form pursuant to section 17 of this act;*

*(2) Pursuant to an observation that the patient, the representative of the patient or a parent or legal guardian of the patient has revoked, or otherwise indicated that he or she wishes to revoke, the POLST form pursuant to section 17 of this act; or*

*(3) In violation of a POLST form, if the provider of health care reasonably and in good faith, at the time the emergency care or life-sustaining treatment is provided, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to section 17 of this act.*

*2. A health care facility, ambulance service, fire-fighting agency or other entity that employs a provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability for the acts*

*or omissions of the employee carried out in accordance with the provisions of subsection 1.*

**Sec. 20. 1.** *Except as otherwise provided in this section and section 18 of this act, a provider of health care shall comply with a valid Physician Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician who executed the POLST form.*

*2. A physician may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician shall consult the patient or, if the patient is incompetent, shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician.*

*3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician or health care facility so that the POLST form will be followed.*

*4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.*

*5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.*

**Sec. 21. 1.** *Unless he or she has knowledge to the contrary, a provider of health care may assume that a Physician Order for Life-Sustaining Treatment form complies with the provisions of sections 2 to 26, inclusive, of this act and is valid.*

*2. The provisions of sections 2 to 26, inclusive, of this act do not create a presumption concerning the intention of a:*

*(a) Patient if the patient, the representative of the patient or a parent or legal guardian of the patient has revoked the POLST form pursuant to section 17 of this act; or*

*(b) Person who has not executed a POLST form,  
↪ concerning the use or withholding of emergency care or life-sustaining treatment.*

**Sec. 22. 1.** *Death that results when emergency care or life-sustaining treatment has been withheld pursuant to a Physician Order for Life-Sustaining Treatment form and in accordance with the provisions of sections 2 to 26, inclusive, of this act does not constitute a suicide or homicide.*

2. *The execution of a POLST form does not affect the sale, procurement or issuance of a policy of life insurance or an annuity, nor does it affect, impair or modify the terms of an existing policy of life insurance or an annuity. A policy of life insurance or an annuity is not legally impaired or invalidated if emergency care or life-sustaining treatment has been withheld from an insured who has executed a POLST form, notwithstanding any term in the policy or annuity to the contrary.*

3. *A person may not prohibit or require the execution of a POLST form as a condition of being insured for, or receiving, health care.*

**Sec. 23. 1. It is unlawful for:**

(a) *A provider of health care to willfully fail to transfer the care of a patient in accordance with subsection 3 of section 20 of this act.*

(b) *A person to willfully conceal, cancel, deface or obliterate a Physician Order for Life-Sustaining Treatment form without the consent of the patient who executed the form.*

(c) *A person to falsify or forge the POLST form of another person, or willfully conceal or withhold personal knowledge of the revocation of the POLST form of another person, with the intent to cause the withholding or withdrawal of emergency care or life-sustaining treatment contrary to the wishes of the patient.*

(d) *A person to require or prohibit the execution of a POLST form as a condition of being insured for, or receiving, health care in violation of subsection 3 of section 22 of this act.*

(e) *A person to coerce or fraudulently induce another to execute a POLST form.*

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

**Sec. 24. The provisions of sections 2 to 26, inclusive, of this act do not:**

1. *Require a provider of health care to take any action contrary to reasonable medical standards;*

2. *Affect the responsibility of a provider of health care to provide treatment for a patient's comfort or alleviation of pain;*

3. *Condone, authorize or approve mercy killing, euthanasia or assisted suicide;*

4. *Except as otherwise provided in section 18 of this act, affect or impair any right created pursuant to the provisions of any other types of advance directives; or*

5. *Affect the right of a patient to make decisions concerning the use of emergency care or life-sustaining treatment, if he or she is able to do so.*

**Sec. 25. 1. A Physician Order for Life-Sustaining Treatment form executed in another state in compliance with the laws of that state or this State is valid for the purposes of sections 2 to 26, inclusive, of this act.**



2. *As used in this section, “state” includes the District of Columbia, the Commonwealth of Puerto Rico and a territory or insular possession subject to the jurisdiction of the United States.*

**Sec. 26.** *The Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to 26, inclusive, of this act.*

**Sec. 27.** NRS 449.766 is hereby amended to read as follows:

449.766 “Aversive intervention” means any of the following actions if the action is used to punish a person with a disability or to eliminate, reduce or discourage maladaptive behavior of a person with a disability:

1. The use of noxious odors and tastes;
2. The use of water and other mists or sprays;
3. The use of blasts of air;
4. The use of corporal punishment;
5. The use of verbal and mental abuse;
6. The use of electric shock;
7. Requiring a person to perform exercise under forced conditions if the:
  - (a) Person is required to perform the exercise because the person exhibited a behavior that is related to his or her disability;
  - (b) Exercise is harmful to the health of the person because of his or her disability; or
  - (c) Nature of the person’s disability prevents the person from engaging in the exercise;
8. Any intervention, technique or procedure that deprives a person of the use of one or more of the person’s senses, regardless of the length of the deprivation, including, without limitation, the use of sensory screens; or
9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:
  - (a) Food or liquid at a time when it is customarily served; or
  - (b) Medication.

↪ The term does not include the withholding or withdrawal of life-sustaining treatment in accordance with NRS 449.626 ~~[-]~~ **or sections 2 to 26, inclusive, of this act.**

**Sec. 28.** NRS 449.905 is hereby amended to read as follows:

449.905 “Advance directive” means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;
2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.860, inclusive; ~~and~~
3. A do-not-resuscitate order as defined in NRS 450B.420 ~~[-]~~; **and**

**4. A Physician Order for Life-Sustaining Treatment form as defined in section 12 of this act.**

**Sec. 29.** NRS 449.925 is hereby amended to read as follows:

449.925 1. A person who wishes to register an advance directive must submit to the Secretary of State:

- (a) An application in the form prescribed by the Secretary of State;
- (b) A copy of the advance directive; and
- (c) The fee, if any, established by the Secretary of State pursuant to NRS 449.955.

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the advance directive and post it to the Registry ~~{}~~ **and, if the person consents pursuant to NRS 439.591, the statewide health information exchange system established pursuant to NRS 439.581 to 439.595, inclusive;**

(b) Assign a registration number and password to the registrant; and

(c) Provide the registrant with a registration card that includes, without limitation, the name, registration number and password of the registrant.

3. The Secretary of State shall establish procedures for:

(a) The registration of an advance directive that replaces an advance directive that is posted on the Registry;

(b) The removal from the Registry of an advance directive that has been revoked following the revocation of the advance directive or the death of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access to the registrant's registration number and password if a registration card issued pursuant to this section is lost, stolen, destroyed or otherwise unavailable.

**Sec. 30.** NRS 449.945 is hereby amended to read as follows:

449.945 1. The provisions of NRS 449.900 to 449.965, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.860, inclusive; ~~{or}~~

(b) **Sections 2 to 26, inclusive, of this act if the advance directive is a Physician Order for Life-Sustaining Treatment form; or**

(c) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

**Sec. 31.** NRS 450B.470 is hereby amended to read as follows:

450B.470 “Qualified patient” means:

1. A patient 18 years of age or older who has been determined by the patient’s attending physician to be in a terminal condition and who:

(a) Has executed a declaration in accordance with the requirements of NRS 449.600; ~~or~~

(b) ***Has executed a Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the patient is not to receive life-resuscitating treatment; or***

(c) Has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. A patient who is less than 18 years of age and who:

(a) Has been determined by the patient’s attending physician to be in a terminal condition; and

(b) ***Has executed a Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the patient is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510.***

**Sec. 32.** NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient’s legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient’s decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient’s attending physician that the patient suffers from a terminal condition;

(b) Certification by the patient’s attending physician that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances; ~~or~~

(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.860, inclusive; ***or***

***(III) A Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the patient is not to receive life-resuscitating treatment; or***

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

**Sec. 33.** NRS 450B.525 is hereby amended to read as follows:

450B.525 1. A parent or legal guardian of a minor may apply to the health authority for a do-not-resuscitate identification on behalf of the minor if the minor has been:

(a) Determined by his or her attending physician to be in a terminal condition; and

(b) Issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. To obtain such a do-not-resuscitate identification, the parent or legal guardian must:

(a) Submit an application on a form provided by the health authority; and

(b) Comply with the requirements prescribed by the board.

3. An application submitted pursuant to subsection 2 must include, without limitation:

(a) Certification by the minor's attending physician that the minor:

(1) Suffers from a terminal condition; and

(2) Has ***executed a Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the minor is not to receive life-resuscitating treatment or has*** been issued a do-not-resuscitate order pursuant to NRS 450B.510;

(b) A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(c) The name of the minor;

(d) The name, signature and telephone number of the minor's attending physician; and

(e) The name, signature and telephone number of the minor's parent or legal guardian.

4. The parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or

otherwise indicating to a person that he or she wishes to have the identification removed or destroyed.

5. If, in the opinion of the attending physician, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:

(a) The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.

(b) The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that the minor wishes to have the identification removed or destroyed.

**Sec. 34.** NRS 450B.590 is hereby amended to read as follows:

450B.590 The provisions of NRS 450B.400 to 450B.590, inclusive, do not:

1. Require a physician or other provider of health care to take action contrary to reasonable medical standards;

2. Condone, authorize or approve mercy killing, euthanasia or assisted suicide;

3. Substitute for any other legally authorized procedure by which a person may direct that the person not be resuscitated in the event of a cardiac or respiratory arrest;

4. ~~Affect~~ **Except as otherwise provided in section 18 of this act, affect** or impair any right created pursuant to the provisions of NRS 449.535 to 449.690, inclusive ~~;~~, **or sections 2 to 26, inclusive, of this act;** or

5. Affect the right of a qualified patient to make decisions concerning the use of life-resuscitating treatment, if he or she is able to do so, or impair or supersede a right or responsibility of a person to affect the withholding of medical care in a lawful manner.

**Sec. 35.** NRS 451.595 is hereby amended to read as follows:

451.595 1. As used in this section:

(a) "Advance health-care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in NRS 162A.790, containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor, or executed as set forth in NRS 449.600, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. **The term includes a Physician Order for Life-Sustaining Treatment form executed pursuant to sections 2 to 26, inclusive, of this act.**

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.

**Sec. 36.** NRS 129.030 is hereby amended to read as follows:

129.030 1. Except as otherwise provided in NRS 450B.525, a minor may give consent for the services provided in subsection 2 for himself or herself or for his or her child, if the minor is:

(a) Living apart from his or her parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;

(b) Married or has been married;

(c) A mother, or has borne a child; or

(d) In a physician's judgment, in danger of suffering a serious health hazard if health care services are not provided.

2. Except as otherwise provided in subsection 4 and NRS 450B.525, *and section 16 of this act*, the consent of the parent or parents or the legal guardian of a minor is not necessary for a local or state health officer, board of health, licensed physician or public or private hospital to examine or provide treatment for any minor, included within the provisions of subsection 1, who understands the nature and purpose of the proposed examination or treatment and its probable outcome, and voluntarily requests it. The consent

of the minor to examination or treatment pursuant to this subsection is not subject to disaffirmance because of minority.

3. A person who treats a minor pursuant to subsection 2 shall, before initiating treatment, make prudent and reasonable efforts to obtain the consent of the minor to communicate with his or her parent, parents or legal guardian, and shall make a note of such efforts in the record of the minor's care. If the person believes that such efforts would jeopardize treatment necessary to the minor's life or necessary to avoid a serious and immediate threat to the minor's health, the person may omit such efforts and note the reasons for the omission in the record.

4. A minor may not consent to his or her sterilization.

5. In the absence of negligence, no person providing services pursuant to subsection 2 is subject to civil or criminal liability for providing those services.

6. The parent, parents or legal guardian of a minor who receives services pursuant to subsection 2 are not liable for the payment for those services unless the parent, parents or legal guardian has consented to such health care services. The provisions of this subsection do not relieve a parent, parents or legal guardian from liability for payment for emergency services provided to a minor pursuant to NRS 129.040.

**Sec. 37.** NRS 129.050 is hereby amended to read as follows:

129.050 1. Except as otherwise provided in NRS 450B.525, *and section 16 of this act*, any minor who is under the influence of, or suspected of being under the influence of, a controlled substance:

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent,

↳ to the furnishing of hospital, medical, surgical or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent, other than a halfway house for alcohol and drug abusers, or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent, parents or legal guardian within a reasonable time after treatment.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 672.

AN ACT relating to interscholastic events; revising provisions relating to the rules and regulations of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing regulations, the Nevada Interscholastic Activities Association may approve certain games, contests and meets in which all-star teams participate if the game, contest or meet is approved by the National Collegiate Athletics Association, or its successor organization, and the National Federation of State High School Associations, or its successor organization. (NAC 386.693) **Section 1** of this bill provides that the rules and regulations adopted by the Nevada Interscholastic Activities Association must provide criteria to be used by the Nevada Interscholastic Activities Association when determining whether to approve or disapprove the staging of all-star games, contests or meets by any other organization and the participation of all-star teams in games, contests and meets without approval from any other organization. **Section 3** of this bill requires the Nevada Interscholastic Activities Association, on or before June 30, 2014, to amend its rules and regulations as necessary to conform to the provisions of **section 1. Section 3.5 of this bill authorizes the Nevada Interscholastic Activities Association to approve the staging of all-star games, contests or meets by any other organization and the participation of all-star teams in games, contests or meets without approval from any other organization during the period between the passage and approval of this bill and the adoption by the Nevada Interscholastic Activities Association of the rules and regulations required by section 3.**

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

**Section 1.** Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

*The rules and regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 must provide criteria to be*



*used by the Association when determining whether to approve or disapprove:*

*1. The staging of an all-star game, contest or meet by any other organization; and*

*2. The participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization.*

**Sec. 2.** NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive [–] , **and section 1 of this act.** The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, “spirit squad” means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

**Sec. 3.** The Nevada Interscholastic Activities Association shall, on or before June 30, 2014, amend its rules and regulations, including, without limitation, NAC 386.693, as necessary to conform to the provisions of section 1 of this act.

**Sec. 3.5. Notwithstanding the amendatory provisions of this act, the Nevada Interscholastic Activities Association may, before the effective date of the regulations required by section 3 of this act or July 1, 2014, whichever is earlier, approve:**

**1. The staging of an all-star game, contest or meet by any other organization; and**

**2. The participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization.**

**Sec. 4. 1.** This **section and section 3.5 of this act** ~~becomes~~ **become** effective ~~on~~

~~1.1~~ **upon passage and approval.**

**2. Sections 1, 2 and 3 of this act become effective:**

**(a)** Upon passage and approval for the purpose of adopting regulations; and

~~2.2~~ **(b)** On July 1, 2014, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 444 requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty. The Legislative Auditor must present a final written audit to the Audit Subcommittee of the Legislative Commission no later than January 31, 2015.

Those of us who served during the 76th Session might remember Assembly Bill 501. Assembly Bill 501 was substantially similar to Assembly Bill 444 in that it sought an audit from our Legislative Auditor as to the costs of capital punishment in our state. Assembly Bill 501 was vetoed by the Governor, and in his veto message, the Governor opined that he wanted a cost audit that he was certain would be fair and accurate. He wanted specificity as to the methodologies used. If you or any of the members look at the text of Assembly Bill 444, I think you will see that what we are asking for here is an audit that is rational, dispassionate, and logical. Specifically, we have tried to address every point the Governor brought up in his veto message last session. Auditing standards that are prescribed by the U.S. Government

Accountability Office will be used, and there is much specificity as to the methodologies, which include the cost estimation approach, top-down accounting method, retrospective observational design, independent statistical analysis, administrative databases, and self-reported data. And those are all terms that explain why I went to law school. I hope the body will support this. It did pass unanimously out of your Committee on Legislative Operations and Elections.

Roll call on Assembly Bill No. 444:

YEAS—38.

NAYS—Hambrick.

EXCUSED—Diaz, Hogan, Pierce—3.

Assembly Bill No. 444 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 7, in its first reprint, requires the Executive Director of the Department of Taxation to prepare or cause to be prepared technical bulletins to educate the public on issues related to their businesses and the taxes administered by the Department, as well as on written opinions received by the Department from the Attorney General. The technical bulletins must be written in simple, nontechnical language.

The bill requires each proposed bulletin and any revisions to a bulletin to be submitted to the Nevada Tax Commission for approval before the bulletin or revised bulletin is published.

Roll call on Senate Bill No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 7 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 8.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 8 changes the definition of “wholesale price” for determining the tax on tobacco products other than cigarettes.

The bill clarifies that the wholesale price means the established price that is paid by a Nevada wholesaler, irrespective of whether the Nevada wholesaler is purchasing the tobacco product directly from the manufacturer or from an affiliate of the manufacturer.

Roll call on Senate Bill No. 8:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 8 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 9 revises definitions of various terms relating to the licensing and control of gaming. In addition, the measure transfers from the Gaming Commission to the Gaming Control Board responsibility for determining the annual adjustment to financial reporting thresholds for nonrestricted licensees. The measure requires that persons seeking to hold a 5 percent or smaller interest in certain gaming licensees register with the Board and repeals provisions under which a person was previously allowed up to 30 days after obtaining such an interest to register with the Board. Finally, the measure revises provisions relating to independent testing laboratories, including authorizing the Commission to require certain persons associated with registered independent testing labs to file an application for a finding of suitability.

Roll call on Senate Bill No. 9:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 9 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 26.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 26 creates within the Attorney General's Office the Victim Information Notification Everyday (VINE) System to consist of a toll-free telephone number and website through which crime victims and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender. The Attorney General is directed to create a governance committee for the system, which may adopt regulations for its operation and oversight. To the extent that funds are available, each sheriff and chief of police, the Department of Corrections, the Department of Public Safety, and the State Board of Parole Commissioners shall cooperate with the Attorney General to establish and maintain the system. I am not an attorney, but I think I said that pretty good.

Roll call on Senate Bill No. 26:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 26 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 27 clarifies the authority of the Attorney General to defend present or former state judicial officers who are sued for certain acts or omissions relating to their public duties or employment. State judicial officers are defined as any justice of the Supreme Court, senior justice, judge of a district court, or senior judge. In addition, the measure clarifies the authority of the chief legal officer or other authorized legal representative of a political subdivision to provide legal counsel under certain circumstances to any present or former local judicial officers. Local judicial officers are defined as any justice of the peace, senior justice of the peace, municipal judge, or senior municipal judge of that political subdivision.

The measure also requires the Attorney General or the chief legal officer or other authorized legal representative of a political subdivision to provide counsel for certain persons who are not employees or officers of the state or political subdivision, but are named as defendants in a civil action solely because of an alleged act or omission relating to the public duties or employment of certain officers or employees of the state or political subdivision.

Finally, the measure requires the Director of the Department of Administration to include the biennial cost of implementing the provisions of this measure in the Attorney General's cost allocation plan for the 78th Session of the Nevada Legislature.

Roll call on Senate Bill No. 27:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 27 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 29 allows the Administrator of the Manufactured Housing Division of the Department of Business and Industry to waive the eligibility requirements for assistance from the Fund for Low-Income Owners of Manufactured Homes if the applicant demonstrates that his or her circumstances warrant such a waiver.

I urge this body's support. I think this bill would give the Administrator the flexibility he needs to try to help people who need it, but maybe are just outside the guidelines.

Roll call on Senate Bill No. 29:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 29 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 30 grants to the Attorney General's multidisciplinary team the authority to review the death of a victim of crime that constitutes domestic violence and gives access to information contained in the Central Repository for Nevada Records of Criminal History and records of criminal history maintained by a criminal justice agency.

Roll call on Senate Bill No. 30:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 30 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 32 revises the powers and duties of the Director of the Department of Corrections [DOC] and makes various changes related to the Department of Public Safety [DPS]. The measure authorizes the Director of the DOC to permit the distribution of money, from any money deposited in the individual account of an offender from any source other than the offender's wages, to a governmental entity for certain deductions.

When a request for the transfer of a person detained in a local law enforcement facility is received from a sheriff or chief of police of a city, S.B. 32 requires the Director to determine if the transport will be made by the staff of the DOC or staff of the county sheriff or the chief of police who requested the transfer.

Senate Bill 32 provides that an offender in custody with the Division of Parole and Probation of the DPS for residential confinement cannot reside in another state. In addition, the measure expands eligibility for participation in a program of residential confinement for certain abusers of alcohol or drugs who commit certain violations of law relating to operating or being in actual physical control of any vessel under power or sail.

The measure authorizes the Division of Parole and Probation, under certain circumstances, to receive and distribute restitution to victims. Finally, the measure repeals provisions governing the Prison Revolving Account.

Roll call on Senate Bill No. 32:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 32 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 35 requires the Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, to charge to an employer against whom a civil action is brought a fee to defray the cost for recording, copying, or certifying documents in such actions. This fee must be charged to the employer in accordance with fees charged by county recorders for such services and be paid into the Unemployment Compensation Administration Fund.

This measure eliminates obsolete references in the *Nevada Revised Statutes* to the Unemployment Compensation and the State Employment Service as administrative subdivisions within the Division. This measure is effective upon passage.

Roll call on Senate Bill No. 35:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 35 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 37 provides that a person who willfully or maliciously removes, damages, or destroys any property maintained by a state or local government to obtain scrap metal is guilty of a crime. In addition, the measure expands the definition of “utility property” to include sewer service, storm water collection, and disposal service and makes it a crime to intentionally steal, take, and carry away utility property. Finally, the measure requires a person who is convicted of a crime relating to obtaining scrap metal or utility property, in addition to any other penalty, to perform 100 hours of community service for a first offense, 200 hours of community service for the second offense, and up to 300 hours for any third or subsequent offense.

Roll call on Senate Bill No. 37:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 37 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Grady.

## ASSEMBLYMAN GRADY:

Senate Bill 40 makes various changes to provisions relating to medical laboratories. The bill removes the requirement that an application for a medical laboratory license be made under oath and instead requires that an application must include proof of identity of the laboratory director. The State Board of Health is required to adopt regulations setting forth acceptable forms of proof of identity that a laboratory director must include in an application.

The Board is also required to adopt regulations concerning the qualifications for certification as an assistant in a medical laboratory.

Senate Bill 40 increases the administrative penalty from \$250 for a first offense and not more than \$500 for a subsequent offense to not more than \$10,000 that the Health Division of the Department of Health and Human Services may impose for a violation of provisions relating to medical laboratories.

## Roll call on Senate Bill No. 40:

YEAS—38.

NAYS—Fiore.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 40 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## Senate Bill No. 41.

Bill read third time.

Remarks by Assemblyman Bobzien.

## ASSEMBLYMAN BOBZIEN:

Senate Bill 41 provides that a small-scale provider of last resort may file with the Public Utilities Commission of Nevada [PUCN] a proposed change in any schedule of rates or services using a letter of advice in lieu of an application if the applicant demonstrates that the proposed change in schedule is required by, or directly related to, a regulation or order of the [Federal Communications Commission] FCC and files the letter of advice not later than five years after the PUCN has issued a final order on a general rate application. A provider may request a waiver of the five-year period.

A commercial mobile radio service provider who seeks to merge with, directly or indirectly, acquire or obtain control of a public utility doing business in Nevada is exempt, in certain circumstances, from obtaining authorization of the transaction from the PUCN. The bill authorizes a person proposing such a transaction to request that the Regulatory Operations Staff of the PUCN and the Consumer's Advocate of the Bureau of Consumer Protection each waive the right to request an order from the PUCN requiring the filing of an application for authorization of the proposed transaction. If such a waiver is made, the person proposing the transaction is exempt from obtaining authorization from the PUCN.

The measure makes changes concerning lifeline and tribal linkup provided by small-scale providers of last resort. Finally, the bill also expands the applicability of the reduction in telephone rates to include bundled service offerings as required under federal regulations.

## Roll call on Senate Bill No. 41:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.



Senate Bill No. 41 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 45 relates to the sealing of certain records of criminal history. The measure revises information that must be included in a petition to seal all records relating to a conviction. In addition, the measure revises the definition of an "agency of criminal justice" to include a subunit of any governmental agency and clarifies that the sealing of all records of a conviction includes those in the custody of such an agency of criminal justice.

Roll call on Senate Bill No. 45:

YEAS—38.

NAYS—None.

EXCUSED—Benitez-Thompson, Diaz, Hogan, Pierce—4.

Senate Bill No. 45 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the vote whereby Senate Bill No. 27 was passed be reconsidered.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 27 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Senate Bill 46 changes the name of the Motor Pool Division of the Department of Administration to the Fleet Services Division and makes the Fleet Services Division a permanent division of the Department.

Roll call on Senate Bill No. 46:

YEAS—38.

NAYS—None.

EXCUSED—Benitez-Thompson, Diaz, Hogan, Pierce—4.

Senate Bill No. 46 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 47.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 47 makes various changes to provisions governing the regulation of the mortgage industry. A nonprofit agency or organization that otherwise would be subject to the provisions of statutes governing mortgage brokers and mortgage agents is exempt from such provisions if, in addition to existing requirements, it maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986.

The measure clarifies the employment, association, and sponsorship requirements that a mortgage agent must satisfy in order to provide services as a mortgage agent. The bill requires mortgage brokers and mortgage bankers to establish written or oral policies and procedures for their mortgage agents. In addition, the cobrokering of a commercial loan through the cooperation of two or more mortgage brokers is not prohibited if such a transaction is not inconsistent with any other provision governing mortgage brokers and mortgage agents.

Roll call on Senate Bill No. 47:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 47 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 48 revises the composition of the Nevada Commission on Tourism by adding four nonvoting members of the Commission, as follows: the Chair of the Commission for Cultural Affairs, the Chair of the Board of Museums and History, the Chair of the Nevada Indian Commission, and the Chair of the Board of the Nevada Arts Council.

Roll call on Senate Bill No. 48:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 48 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 51.

Bill read third time.

Remarks by Assemblyman Sprinkle.

## ASSEMBLYMAN SPRINKLE:

Senate Bill 51 transfers the powers and duties related to the certification and regulation of intermediary service organizations from the Aging and Disability Services Division of the Department of Health and Human Services to the Health Division of DHHS and the State Board of Health, respectively.

Roll call on Senate Bill No. 51:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 51 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Spiegel.

## ASSEMBLYWOMAN SPIEGEL:

Senate Bill 53 requires the State Registrar of Vital Statistics to do some things. It also prescribes some procedures, and it further revises various provisions.

Roll call on Senate Bill No. 53:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 53 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 Bill No. 60 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 61.

Bill read third time.

Remarks by Assemblyman Sprinkle.

## ASSEMBLYMAN SPRINKLE:

Senate Bill 61 reduces the membership of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities within the Nevada Commission on Services for Persons with Disabilities from 11 to 9 members. The bill removes certain positions and it reclassifies other positions to be represented.

Roll call on Senate Bill No. 61:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 61 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 65 expands the authority of the Nevada Division of Environmental Protection, State Department of Conservation and Natural Resources, to issue orders other than emergency orders to correct violations by public water system operators if the Division has reason to believe that a person is engaged in, or is about to engage in, a practice which violates certain provisions relating to public water systems. The bill also authorizes the imposition of daily civil penalties of not more than \$5,000 and daily administrative fines of not more than \$2,500 against a laboratory for violations of certain regulations adopted by the State Environmental Commission or orders issued by the Division.

Roll call on Senate Bill No. 65:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 65 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 71 provides that when a court imposes consecutive sentences, those sentences must be aggregated if the crimes were committed on or after July 1, 2014, unless any of the sentences includes a sentence of life without the possibility of parole or death. In addition, this measure authorizes a prisoner who is serving consecutive sentences to request the Director of the Department of Corrections to aggregate any remaining sentences for which parole has not previously been considered. The aggregation of sentences does not apply to sentences for offenses entered into at different times. This measure provides that for offenses committed and sentences aggregated on or after July 1, 2014, any credits earned to reduce sentences may only reduce the minimum term or minimum aggregate term imposed by the sentence by not more than 58 percent.

For cases where a prisoner was less than 16 years of age at the time of the offense for which he or she was imprisoned, this measure provides that the State Board of Parole Commissioners is not required to release the prisoner if he or she is determined to be a high risk to reoffend in a sexual manner or there is a reasonable probability that the prisoner will be a danger to public safety while on parole. Finally, if a prisoner who was less than 16 years of age at the time of an

offense is paroled and then that parole is revoked, that prisoner must not be considered again for parole under these provisions of the law. The effective date of this bill is July 1, 2014.

Roll call on Senate Bill No. 71:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 71 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Senate Bill 74 requires a public officer or employee to prepare copies of public records for a member of the public upon request, rather than allowing the officer or employee to require that the requestor make the copies. Upon request, a member of the public must be provided with a copy of the minutes from, or a recording of, a public meeting free of charge. The fee for making copies that may be charged by certain entities is limited to 50 cents per page. Similarly, the fee that a county clerk may charge for preparing certain copies or for searching certain records is established at 50 cents per page unless the fee is waived by the county clerk. This bill is effective October 1, 2013.

Roll call on Senate Bill No. 74:

YEAS—35.

NAYS—Ellison, Hambrick, Oscarson, Wheeler—4.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 74 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 77 removes the prospective expiration for provisions relating to the issuance of marriage licenses by certain commercial wedding chapels that were passed by the Legislature during the 76th Legislative Session. Effective date is upon passage and approval.

Roll call on Senate Bill No. 77:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 77 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 79 repeals Section 710.600 of the *Nevada Revised Statutes*, which provides that in any incorporated city having a commission form of government, all net profits derived from municipally owned and operated utilities may be expended.

Roll call on Senate Bill No. 79:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Senate Bill 81 revises the Cancer Drug Donation Program by authorizing physicians to dispense a cancer drug donated for use in the Program.

Roll call on Senate Bill No. 81:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 81 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 86 expands programs providing respite care or relief for informal caretakers to include any person with Alzheimer's disease or other related dementia, regardless of the age of the person.

Roll call on Senate Bill No. 86:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 86 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 Bills Nos. 97, 98, 102, 103, 104, 105, 108, 110, 114, 117, 122, 127, 130, 136, 140, 148, 153, 154, 155, 157, 158, 159, 163, 175, 185, 189, 215, 216, 227, 237, 264, 268, 272, 274, 281, 284, 286, 288, 304, 309, 310, 317, 325, 335, 342, 343, 344, 345, 347, 351, 356, 365, 382, 388, 393, 404, 409, 419, 420, 432, 433, 434, 438, 441, 453, 458, 460, 476, 489, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolution No. 12; Senate Bills Nos. 78, 101, 191, 60 be taken from the General File and placed at the top of the General File for the next legislative day.

Motion carried.

## UNFINISHED BUSINESS

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 13, 16, 22, 41, 45, 57, 85, 108, 111, 179, 206, 252, 331, 350, 356, 492; Assembly Resolution No. 12; Senate Bill No. 139; Senate Joint Resolution No. 5.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Eisen.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Caughlin Ranch Elementary School: Ryan Barkowski, Collin Beach, Edith Gonzalez-Ruiz, Emma Gregg, Brett Hamlin, Ellen Lombardo, Asher Hansen, Cailin Long, Arianne Magtibay, Aundriea Matthews, Paris McCabe, Ayla McDonald-Musil, Benjamin Olsen, Nicolas Pagni, Aden Pearson, Ashley To, Craig Watland, Kaelen Weigel, Zachariah Zittle, Alison Anthony, Sean Barnes, Lindsey Biggs, Keely Brown, Benjamin Brust, Erick Cheng, Alyssa Doyle, Jessica Doyle, Ryan Forderhase, Aden Gentner, Lindsey Haley, Brett Hardie, Evan Jones, Jessica Link, Nick Lombardi, Grace McAndrews, Jacob Medina, Sterling Moore, Sasha Nickerson, Sawyer Patton, Faith Pennebaker, Kevin Villariza, Alyssa Webb, Tyler Brombacker, Adelaide Armen, Conner Capurro, Electra Capurro, Elxis Eayrs, Cooper Ericson, Katie Fagg, Rebecca Hamilton, Rami Itani, Halie LaChance, Sean Leffler, Joseph Listinsky, Mason McCabe, Grace Oksol, Hunter Olson, Kaylee Rogers, Kennedy Schraub, Annika Sorensen, Mason Strait, Brooklynne White, Skyler Blackson, Levi Wosick, Jair Gomez, Benjamin Miller, Sara Mulligan, Aidan Murray, Judy Sutherland,

Sabine Beach, Megan McDonald, Debbie Hamlin, Luciana Hansen, Colleen Long, Cheryl Zittle, Shannon Brust, Clay Brust, Jennifer Moore, Richard Haley, Laurel Haley, Bruce Brown, Wendy Brown, Stacy Hardie, Marianne Anthony, Colleen Medina, Sherry Olson, and Michelle Capurro.

Assemblyman Horne moved that the Assembly adjourn until Saturday, May 18, 2013, at 1:30 p.m.

Motion carried.

Assembly adjourned at 9 p.m.

Approved:

MARILYN K. KIRKPATRICK  
*Speaker of the Assembly*

Attest: SUSAN FURLONG

*Chief Clerk of the Assembly*