

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 6, 2015

Assembly called to order at 12:23 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

In this prayer, O God, we come to You as children to a loving Father. We pray that You will help our Assembly men and women face the problems that confront them, not alone, by giving them wisdom greater than their own, also by relieving their minds of all other anxieties. May they now turn over to You loved ones who need the healing touch of the Great Physician, with every confidence that You will hear our prayers of intercession, and as we do the work that is before us, You will do Your work of healing in those whom we love. May Your help be so plain and practical in our family affairs that we shall come to believe strongly in Your ability to solve the problems we face in guiding the thinking and planning of this state.

Deliver Your servants from personal worries that they may be able to give themselves wholly to the challenges of this hour.

AMEN.

Pledge of allegiance to the Flag.

Special musical presentation by Robert Bledsaw, Chaplain and Society Piper, Nevada Society of Scottish Clans, in honor of Tartan Day.

Assemblyman Paul Anderson 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

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 126, 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 117, 121, 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 40, 44, 74, 158, 172, 193.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 7 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 31 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 6—Providing for the appointment of additional attaches for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Laurie Ault and Janel Davis are elected as additional attaches of the Assembly for the 78th Session of the Nevada Legislature.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

The resolution provides for the hiring of an additional staff member.

Motion carried.

NOTICE OF EXEMPTION

April 3, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 430.

CINDY JONES
Fiscal Analysis Division

April 6, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 181, 229, 242, 281, 286, 299, 300, 303, 304, 306, 311, 322, 323, 325, 326, 336, 341, 342, 345, 350, 353, 354, 355, 359, 364, 368, 372, 376, 378, 382, 390, 396, 398, 403, 405, 406, 408, 410, 412, 431, 454, 463 and 464.

CINDY JONES
Fiscal Analysis Division

April 6, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 128.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 277, 299, 351, 372, 383, 460, 461 and 509.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 40.

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

Motion carried.

Senate Bill No. 44.

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

Motion carried.

Senate Bill No. 74.

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

Motion carried.

Senate Bill No. 158.

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

Motion carried.

Senate Bill No. 172.

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

Motion carried.

Senate Bill No. 193.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 8.

AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; prohibiting certain ~~[interstate]~~ transfers of children; ~~[making various changes relating to the appointment of short term guardians of children;]~~ **prohibiting the trafficking of children;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person or organization, other than an agency which provides child welfare services or a licensed child-placing agency, who advertises in any periodical or newspaper, or by radio or other public medium, that the person or organization will place children for adoption or accept, supply, provide or obtain children for adoption is guilty of a misdemeanor. (NRS 127.310) **Section 1** of this bill specifically applies this prohibition to a person or organization who advertises through a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

~~[Existing law authorizes a parent, without court approval, to appoint in writing a short term guardianship for his or her minor child under certain circumstances. The short term guardian appointed by the parent serves as the guardian of the minor child for not more than 6 months. (NRS 159.205) Sections 2 and 3 of this bill establish a procedure by which the appointment of the short term guardian may remain in effect for longer than 6 months if the person who is appointed as the short term guardian is related to the child within the third degree of consanguinity or is approved by a court of competent jurisdiction. Under sections 2 and 3, if the short term guardian is related to the child within the third degree of consanguinity, the appointment of the short term guardian may remain in effect for more than 6 months. In determining whether the appointment of a short term guardian who is not related to a child within the third degree of consanguinity may remain in effect, the best interests of the child must be the prevailing factor and the court must also consider whether the short term guardian would be fit, willing and able to exercise the guardianship, the reasons for the appointment and the amount of support that the parent is willing and able to provide to the guardian during the term of the guardianship.]~~

~~Existing law enacts the Interstate Compact on the Placement of Children to govern the interstate placement of children. (NRS 127.320) Under this Compact, any person, governmental entity or court in a state who sends, brings or causes to be sent or brought into another state any child for placement in foster care or as a preliminary to a possible adoption must comply with the provisions of the Compact. (NRS 127.330)~~

Section 4 of this bill enacts provisions prohibiting the trafficking of children. Section 4 provides that a person ~~who sends a child out of this State, brings a child into this State or causes a child to be sent out of this State or brought into this State for the purpose of permanently transferring physical custody of the child to a person who is not related within the third degree of consanguinity is guilty of a misdemeanor, unless the placement of the child is authorized pursuant to the Compact or is approved by a court of competent jurisdiction in the sending or receiving state.~~ shall not recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of a child or a person with custody of a child places the child in the physical custody of another person who is not related to the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child. Section 4 further provides that certain placements of a child are not prohibited, including, without limitation, the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or agency which provides child welfare services and the placement of a child with a person that is approved by a court of competent jurisdiction. A person who violates section 4 is guilty of a category C felony, and section 5 of this bill requires a court to order that a person convicted of a violation of section 4 pay restitution to the victim of the crime.

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

Section 1. NRS 127.310 is hereby amended to read as follows:

127.310 1. Except as otherwise provided in NRS 127.240, 127.283 and 127.285, any person or organization other than an agency which provides child welfare services who, without holding a valid unrevoked license to place children for adoption issued by the Division:

(a) Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or

(b) Advertises ~~in any periodical or newspaper, or by radio or other public medium,~~ that he or she will place children for adoption ~~or permanent free care,~~ or accept, supply, provide or obtain children for adoption ~~or permanent free care,~~ or causes any advertisement to be ~~published in or by any public medium~~ disseminated soliciting, requesting or asking for any child or children for adoption ~~or permanent free care,~~

↪ is guilty of a misdemeanor.

2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280, 127.2805 and 127.2815 is guilty of a misdemeanor.

3. A periodical, newspaper, radio station, *Internet website* or other public medium is not subject to any criminal penalty or civil liability for ~~publishing or broadcasting~~ *disseminating* an advertisement that violates the provisions of this section.

4. A child-placing agency shall include in any advertisement concerning its services ~~published in any periodical or newspaper or by radio or other public medium~~ a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division; and

(b) Indicates any license number issued to the child-placing agency by the Division.

5. *As used in this section:*

(a) *“Advertise” or “advertisement” means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, telephone book listing, outdoor advertising, sign, radio, television or a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.*

(b) *“Internet account” means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.*

Sec. 2. ~~[Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—1. An appointment of a short term guardian pursuant to NRS 159.205 may remain in effect for longer than 6 months if the person who is appointed as the short term guardian is related to the child within the third degree of consanguinity or the appointment is approved by a court of competent jurisdiction as provided in this section.~~

~~—2. A parent who wishes to extend the appointment of a short term guardian who is not related to the child within the third degree of consanguinity must file a petition with the court requesting approval of such appointment pursuant to subsection 1. The petition must include:~~

~~—(a) The name, address and date of birth of the child subject to the guardianship.~~

~~—(b) The names and addresses of the parents of the child.~~

~~—(c) The name and address of the person nominated as guardian and the relationship of the person to the child.~~

~~—(d) A statement regarding whether the parent wishes to give the guardian full parental power regarding the care and custody of the child or~~

~~partial parental power regarding the care and custody of the child and, if the parent wishes to give partial parental power, the specific powers that the parent wishes to delegate and any limitations on those powers.~~

~~—(e) The proposed term of the guardianship, the reasons for the guardianship and whether the parent proposes to provide any support to the guardian during the term of the guardianship. If so, the petition must indicate the amount of support the parent will provide.~~

~~—(f) Facts and circumstances showing that the guardianship would be in the best interests of the child and that the person nominated as the guardian is fit, willing and able to exercise that appointment.~~

~~—(g) If the appointment is being facilitated by an agency which provides child welfare services or a child placing agency, facts and circumstances showing that the agency which provides child welfare services or the child-placing agency, as applicable, is authorized to facilitate that appointment.~~

~~—3. The court shall hold a hearing on a petition filed pursuant to subsection 1 within 45 days after the filing of the petition. The petitioner shall cause the petition and notice of the time and place of the hearing to be served not later than 10 days before the hearing on:~~

~~—(a) The child, if the child is 12 years of age or older;~~

~~—(b) The guardian ad litem and counsel of the child, if any;~~

~~—(c) The parents of the child;~~

~~—(d) Any guardian, legal custodian or physical custodian of the child; and~~

~~—(e) Any agency which provides child welfare services or child placing agency that is facilitating the guardianship.~~

~~—4. At the hearing, the court shall first determine whether any party wishes to contest the petition. If the petition is not contested, the court shall immediately proceed to a fact finding and dispositional hearing unless an adjournment is requested. If the petition is contested or if an adjournment is requested, the court shall set a date for a fact finding and dispositional hearing that allows reasonable time for the parties to prepare but is not later than 30 days after the initial hearing. At the fact finding and dispositional hearing, any party may present evidence and argument relating to the allegations in the petition.~~

~~—5. In determining the appropriate disposition of a petition filed pursuant to subsection 1, the best interests of the child must be the prevailing factor to be considered by the court. The court shall also consider whether the person nominated as the short term guardian would be fit, willing and able to exercise the guardianship, the reasons for the appointment and the amount of support that the parent is willing and able to provide to the guardian during the term of the guardianship.~~

~~—6. At the conclusion of the fact finding and dispositional hearing, the court shall grant one of the following dispositions unless the court adjourns the hearing pursuant to subsection 7:~~

~~—(a) A disposition dismissing the petition, if the court finds that the petitioner has not proved the allegations in the petition by clear and convincing evidence or determines that approval of the proposed guardianship is not in the best interests of the child; or~~

~~—(b) A disposition approving the proposed guardianship, if the court finds that the petitioner has proved the allegations in the petition by clear and convincing evidence and determines that the proposed guardianship is in the best interests of the child. The disposition may also designate an amount of support to be paid by the child's parent to the guardian. If the court approves the proposed guardianship, the parent and the person appointed as guardian may execute a power of attorney as approved by the court.~~

~~—7. If, at the conclusion of the fact finding and dispositional hearing, the court finds that the petitioner has proved the allegations in the petition by clear and convincing evidence but that the person nominated as the short term guardian is not fit, willing and able to serve as guardian or that appointment of that person as guardian would not be in the best interests of the child, the court may, in lieu of granting a disposition dismissing the petition pursuant to paragraph (a) of subsection 6, adjourn the hearing for not more than 30 days and request the petitioner or any other party to nominate a different person as the short term guardian.~~

~~—8. As used in this section:~~

~~—(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~

~~—(b) "Child placing agency" has the meaning ascribed to it in NRS 127.220. (Deleted by amendment.)~~

Sec. 3. [NRS 159.205 is hereby amended to read as follows:

~~—159.205 1. Except as otherwise provided in this section or NRS 127.045, a parent, without the approval of a court, may appoint in writing a short term guardianship for an unmarried minor child if the parent has legal custody of the minor child.~~

~~—2. The appointment of a short term guardianship is effective for a minor who is 14 years of age or older only if the minor provides written consent to the guardianship.~~

~~—3. The appointment of a short term guardian does not affect the rights of the other parent of the minor.~~

~~—4. A parent shall not appoint a short term guardian for a minor child if the minor child has another parent:~~

~~—(a) Whose parental rights have not been terminated;~~

~~—(b) Whose whereabouts are known; and~~

~~—(c) Who is willing and able to make and carry out daily child care decisions concerning the minor;~~

~~— unless the other parent of the minor child provides written consent to the appointment.~~

~~5. The written instrument appointing a short term guardian becomes effective immediately upon execution and must include, without limitation:~~

~~(a) The date on which the guardian is appointed;~~

~~(b) The name of the parent who appointed the guardian, the name of the minor child for whom the guardian is appointed and the name of the person who is appointed as the guardian; and~~

~~(c) The signature of the parent and the guardian in the presence of a notary public acknowledging the appointment of the guardian. The parent and guardian are not required to sign and acknowledge the instrument in the presence of the other.~~

~~6. [The] *Except as otherwise provided in section 2 of this act, the* short-term guardian appointed pursuant to this section serves as guardian of the minor for 6 months, unless the written instrument appointing the guardian specifies a shorter term or specifies that the guardianship is to terminate upon the happening of an event that occurs sooner than 6 months.~~

~~7. Only one written instrument appointing a short term guardian for the minor child may be effective at any given time.~~

~~8. The appointment of a short term guardian pursuant to this section:~~

~~(a) May be terminated by an instrument in writing signed by either parent if that parent has not been deprived of the legal custody of the minor;~~

~~(b) Is terminated by any order of a court of competent jurisdiction that appoints a guardian.] **(Deleted by amendment.)**~~

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person ~~[who sends a child out of this State or brings a child into this State, or causes a child to be sent out of this State or brought into this State, for the purpose of permanently transferring physical custody of the child to a person who is not related to the child within the third degree of consanguinity is guilty of a misdemeanor.]~~ shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330 ~~f~~ ~~(b)~~, 159.205 or 159.215;

(e) A placement of a child that is approved by a court of competent jurisdiction ~~[of the sending state or receiving state.]~~; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in NRS 127.310.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 5. NRS 200.469 is hereby amended to read as follows:

200.469 1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 or section 4 of this act to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468 ~~[.]~~ or section 4 of this act.

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, “victim” means any person:

- (a) Against whom a violation of any provision of NRS 200.467 or 200.468 or section 4 of this act has been committed; or
- (b) Who is the surviving child of such a person.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 8 to Assembly Bill 8 deletes sections 2, 3, and 4 of the bill. The amendment adds a new section that prohibits the use of electronic means to traffic a child, including the transferring, recruiting, soliciting, or advertising to obtain a child. In addition, a person is prohibited from selling, transferring, or arranging for the sale, transfer or receiving of a child to another person or entity for money or anything of value. Lastly, a person is guilty of a category C felony if the person with custody traffics the child with the intention of permanently divesting themselves of responsibility of the child.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time.

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

Amendment No. 15.

SUMMARY—Makes requirements for management of bad debts consistent among ~~fall~~ agencies of the Executive Branch of the State Government. (BDR 18-457)

AN ACT relating to state financial administration; revising the process for ~~declaring~~ designating certain debts owed to the Division of Industrial Relations of the Department of Business and Industry and to the State Gaming Control Board as bad debts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Controller to ~~submit to~~ request that the State Board of Examiners designate as a bad debt a debt owed to the State that has become impossible or impractical to collect. If the State Board of Examiners concurs , by affirmative majority vote, that the debt is impossible or impractical to collect, it may designate the debt as a bad debt and the State Controller may remove the debt from the books of account of the State. (NRS 353C.220) Under existing law, the Division of Industrial Relations of the Department of Business and Industry ~~is~~ and the Nevada Gaming Commission , on behalf of the State Gaming Control Board, may remove bad debts from its records without action of the State Board of Examiners. (NRS 232.550, 463.120) This bill ~~authorizes~~ transfers to the ~~State Controller to submit~~ State Board of Examiners the authority to designate debts of the Division and the State Gaming Control Board ~~for~~

~~designation] as bad debts [by the State Board of Examiners.] and to cause the removal of those debts from the books of account of the State.~~

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

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

1. On or before January 15 of each year, the Administrator shall prepare and furnish to the Council a report that shows all debts owed to the Division that became or remained delinquent during the preceding year. The Administrator shall include in the report the amount of any delinquent debt that the Division determines is impossible or impractical to collect.

2. For any amount of debt the Division determines is impossible or impractical to collect, the Council shall request the State Board of Examiners designate such amount as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the Board, may designate the debt as bad debt if the Board is satisfied that the collection of the debt is impossible or impractical. If the amount of the debt is not more than \$50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The Council may appeal to the State Board of Examiners a denial by the Clerk of a request to designate a debt as a bad debt.

3. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

4. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.

Sec. 2. NRS 232.550 is hereby amended to read as follows:

232.550 As used in NRS 232.550 to 232.700, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.
2. "Director" means the Director of the Department of Business and Industry.
3. "Division" means the Division of Industrial Relations of the Department of Business and Industry.
4. "Insurer" includes:

- (a) A self-insured employer;
- (b) An association of self-insured public employers;
- (c) An association of self-insured private employers; and
- (d) A private carrier.

Sec. 3. NRS 232.600 is hereby amended to read as follows:

232.600 1. The Council shall act in an advisory capacity to the Administrator and may, on its own initiative or at the request of the Administrator, conduct studies or investigations concerning the organization and administration of the Division and make recommendations to the Administrator based on the results of such studies or investigations.

2. The Council shall review on a quarterly basis the records of oral complaints compiled by the Division pursuant to NRS 618.336. Upon completing its review, the Council shall submit any comments or recommendations regarding the complaints or the records to the Administrator.

~~3. The Council, by the affirmative vote of a majority of its members, may remove from the records of the Division the name of a debtor and the amount of any debt owed by the debtor, if 3 years have elapsed since the debt was incurred and the Council determines that the debt remains impossible or impractical to collect. The Division shall establish a master file containing the information removed from its official records pursuant to this subsection.~~

Sec. 4. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before January 15 of each year, the Board shall prepare and furnish to the Commission a report that shows all debts owed to the Board that became or remained delinquent during the preceding year. The Board shall include in the report the amount of any delinquent debt that the Board determines is impossible or impractical to collect.

2. For any amount of debt the State Gaming Control Board determines is impossible or impractical to collect, the ~~Commission~~ State Gaming Control Board shall request that the State Board of Examiners designate such amount as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the State Board of Examiners, may designate the debt as bad debt if the State Board of Examiners is satisfied that the collection of the debt is impossible or impractical. If the amount of the debt is not more than \$50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The ~~Commission~~ State Gaming Control Board may appeal to the State Board of Examiners a denial by the Clerk of a request to designate a debt as a bad debt.

3. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the

State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

4. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.

Sec. 5. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system, relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; or

(e) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing, are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

7. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

8. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

9. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

~~[10. The Nevada Gaming Commission, by the affirmative vote of a majority of its members, may remove from its records the name of a debtor and the amount of tax, penalty and interest, or any of them, owed by the debtor, if after 5 years it remains impossible or impracticable to collect such amounts. The Commission shall establish a master file containing the information removed from its official records by this section.]~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies the language of the bill specifying the role of the State Gaming Control Board and the State Board of Examiners.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 23.

Bill read second time.

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

Amendment No. 85.

AN ACT relating to elections; ~~[clarifying the authority of]~~ **revising provisions governing regulations that** the Secretary of State **must adopt** regarding ~~[interpretations and other actions necessary for the effective administration of certain statutes and regulations;]~~ **the conduct of elections; changing the date of the general city election in certain cities that hold such elections in odd-numbered years; amending provisions relating to committees for political action and independent expenditures made for the purpose of affecting the outcome of elections;** revising the beginning and ending dates of the period during which certain limits apply to the amount that may be committed or contributed to a candidate or a legal defense fund; providing that a petition to recall a public officer may only be signed by a registered voter who actually voted in the election at which the public officer was elected; **revising other provisions governing recall petitions and elections;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[authorizes]~~ **requires** the Secretary of State to ~~[provide interpretations and take other actions necessary for the effective administration of statutes and]~~ **adopt** regulations governing the conduct of primary, general, special and district elections. (NRS 293.247) **Section 1** of this bill ~~[clarifies that the Secretary of State may provide interpretations and take other actions necessary for the effective administration of all of the provisions of title 24 of NRS and any regulations adopted pursuant thereto, including statutes and]~~ **makes various changes to the types of regulations that the Secretary of State must adopt** governing the conduct of elections.

Existing law provides that certain cities must hold a general city election on the first Tuesday after the first Monday in June in odd-numbered years. (NRS 293C.140, 293C.145; Boulder City Charter § 96; Caliente City Charter § 5.010; Henderson City Charter § 5.020; Las Vegas City Charter § 5.020; North Las Vegas City Charter § 5.010; Yerington City Charter § 5.010) Sections 1.3, 1.5, 7-13 and 15 of this bill change the date of the general city election in those cities so that it occurs 1 week later on the second Tuesday after the first Monday in June in odd-numbered years. Sections 4-6 of this bill make the same change in the election date to the second Tuesday after the first Monday in June in odd-numbered years for certain local special elections seeking voter approval of certain local taxes and debt obligations. (NRS 350.020, 354.5982, 387.3285)

During the 77th Session of the Legislature in 2013, the Legislature enacted legislation that amended the definition of the term "committee for political action" in the campaign finance laws to include certain businesses or organizations that make expenditures of a certain amount

in a calendar year for the purpose of affecting the outcome of any election or question on the ballot. (NRS 294A.0055, 294A.230; chapter 259, Statutes of Nevada 2013, pp. 1149-51) In 2013, the Legislature also enacted legislation that added a definition of the term “independent expenditure” to the campaign finance laws, but this newly defined term was not incorporated into the definition of the term “committee for political action.” (NRS 294A.0077; chapter 425, Statutes of Nevada 2013, p. 2379) Sections 1.7 and 2.1 of this bill harmonize the 2013 legislation by incorporating the term “independent expenditure” into the definition of the term “committee for political action.”

Under existing law, a person may not contribute or commit to contribute more than \$5,000 for a primary election and \$5,000 for a general election to a candidate for state, district, county or township office during the period beginning 30 days before the start of the regular session of the Legislature immediately after a general election for that office and ending 30 days before the start of the regular session of the Legislature immediately following the next general election for that office. During the same period, a person is prohibited from making or committing to make a contribution to a legal defense fund of a candidate or public officer in an amount which exceeds \$10,000. Existing law also prohibits a candidate or public officer, as applicable, from accepting a contribution or commitment to make a contribution in excess of those amounts. (Nev. Const. Art. 2, § 10, NRS 294A.100, 294A.287) **Section 2** of this bill changes the period to which those contribution limits apply so that the period begins on January 1 immediately after a general election for an office and ends on December 31 immediately after the next general election for that office.

Existing law provides that a violation of the contribution limits to a candidate or a legal defense fund is a category E felony. (NRS 294A.100, 294A.287) **Section ~~14~~ 14** of this bill provides that certain contributions made or committed to be made under existing law at the end of the contribution periods in early January 2011, 2013 or 2015 shall be deemed to have been made or committed to be made on December 31, 2010, 2012 or 2014, respectively, so that no person is guilty retrospectively of committing a crime as a result of the changes made by **section 2**.

Existing law requires a committee for the recall of a public officer to report certain contributions received and expenditures made by the committee during its recall efforts. Existing law also requires such a committee to comply with the reporting requirements when it does not submit a legally sufficient recall petition to the filing officer before the expiration of the period for circulating the petition for signatures. (NRS 294A.270, 294A.280) Sections 2.3 and 2.5 of this bill clarify that such a committee must comply with the reporting requirements if it: (1) fails to submit the petition to the filing officer; (2) submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures; or (3) otherwise submits a legally

insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures.

~~Finally, in~~ Finally, in *Strickland v. Waymire*, 126 Nev. 230, 240 (2010), the Nevada Supreme Court held that Section 9 of Article 2 of the Nevada Constitution provides that, “[w]hile all registered voters can vote at a special recall election, only voters who voted at the relevant baseline election can qualify a recall petition” by signing a petition for the recall. **Section 3** of this bill conforms ~~statute~~ **existing law** to this ruling. (NRS 306.020)

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

Section 1. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

- ~~(a) The duties of election boards;~~
- ~~(b) The type and amount of election supplies;~~
- ~~(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;~~
- ~~(d) The method to be used in distributing ballots to precincts and districts;~~
- ~~(e) The method of inspection and the disposition of ballot boxes;~~
- ~~(f) (b) The form and placement of instructions to voters;~~
- ~~(g) The recess periods for election boards;~~
- ~~(h) The size, lighting and placement of voting booths;~~
- ~~(i) The amount and placement of guardrails and other furniture and equipment at voting places;~~
- ~~(j) (c) The disposition of election returns;~~
- ~~(k) (d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;~~
- ~~(l) (e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;~~
- ~~(m) (f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;~~

~~[(g)]~~ (g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

~~[(e)]~~ The procedures to be used for the disposition of absent ballots in case of an emergency;

~~[(p)]~~ (h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;

~~[(q)]~~ (i) The forms for applications to register to vote and any other forms necessary for the administration of this title; and

~~[(r)]~~ (j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the ~~[provisions of this title and any regulations adopted pursuant thereto, including, without limitation,]~~ statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 1.3. NRS 293C.140 is hereby amended to read as follows:

293C.140 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population categories one and two on the ~~first~~ second Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by law, ordinance or resolution, at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. Unless the terms of office of city council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office are 4 years, which terms must be staggered. The council members elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.

Sec. 1.5. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population category three on the

~~First~~ **second** Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 1.7. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,
 ↪ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of \$1,500 in a calendar year or makes ***independent*** expenditures in excess of \$1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on

the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of \$5,000 in a calendar year or makes *independent* expenditures in excess of \$5,000 in a calendar year.

2. “Committee for political action” does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) Except as otherwise provided in paragraph (b) of subsection 1, an individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) Except as otherwise provided in paragraph (b) of subsection 1, a labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 2. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election, regardless of the number of candidates for the office, and \$5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning ~~[from 30 days before the regular session of the Legislature]~~ **January 1 of the year** immediately following the last general election for the office and ending ~~[30 days before the regular session of the Legislature]~~ **December 31** immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2.1. **NRS 294A.230 is hereby amended to read as follows:**

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this

State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$1,500 in a calendar year or making ***independent*** expenditures in excess of \$1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$5,000 in a calendar year or making ***independent*** expenditures in excess of \$5,000 in a calendar year,

↪ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee for political action;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose a civil penalty.

Sec. 2.3. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution received or made by the committee for the recall of a public officer during the period in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

2. ~~1.4~~ **Except as otherwise provided in subsection 3, if** a petition for the recall of a public officer is not ~~filed~~ **submitted to the filing officer** before the expiration of the notice of intent ~~is~~ **pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS,** the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee for the recall of a public officer, and each contribution made by the committee for the recall of a public officer in excess of \$100 and contributions made to one recipient which cumulatively exceed \$100. **The provisions of this subsection apply to the committee for the recall of a public officer if the committee:**

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If a district court determines that the petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

↪ report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the contributor or recipient and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation.

Sec. 2.5. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each expenditure made by the committee for the recall of a public officer during the period in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

2. ~~It~~ **Except as otherwise provided in subsection 3, if** a petition for the recall of a public officer is not ~~filed~~ **submitted to the filing officer** before the expiration of the notice of intent, ~~it~~ **pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS,** the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one

recipient which cumulatively exceed \$100. *The provisions of this subsection apply to the committee for the recall of a public officer if the committee:*

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If a district court determines that a petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th of the second month after the special election, for the remaining period through the date of the special election,

↪ report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

Sec. 3. NRS 306.020 is hereby amended to read as follows:

306.020 1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the State or of the county, district or municipality that the public officer represents, as provided in this chapter and Section 9 of Article 2 of the Constitution of the State of Nevada.

A public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office.

2. The petition to recall a public officer may be signed by any registered voter of the State or of the county, district, municipality or portion thereof that the public officer represents ~~[, regardless of whether the registered voter cast a ballot]~~ **who actually voted** in the election at which the public officer was elected.

3. The petition must, in addition to setting forth the reason why the recall is demanded:

(a) Contain the residence addresses of the signers and the date that the petition was signed;

(b) Contain a statement of the minimum number of signatures necessary to the validity of the petition;

(c) Contain at the top of each page and immediately above the signature line, in at least 10-point bold type, the words "Recall Petition";

(d) Include the date that a notice of intent was filed; and

(e) Have the designation: "Signatures of registered voters seeking the recall of (name of public officer for whom recall is sought)" on each page if the petition contains more than one page.

Sec. 4. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~first~~ **second** Tuesday after the first Monday in June of an odd-numbered year, **whether or not the municipality also holds a general municipal election on that date.**

↪ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its

issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, “general obligations” does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

↪ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

↪ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

Sec. 5. NRS 354.5982 is hereby amended to read as follows:

354.5982 1. The local government may exceed the limit imposed by NRS 354.59811 upon the calculated receipts from taxes ad valorem only if its governing body proposes to its registered voters an additional property tax, and the proposal is approved by a majority of the voters voting on the question at a general election, a general city election or a special election called for that purpose. The question submitted to the voters must contain the rate of the proposed additional property tax stated in dollars and cents per \$100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the governing body of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will

pay per year as a result of the passage of the question. The duration of the levy must not exceed 30 years. The governing body may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition.

2. A special election may be held:

(a) At any time, including, without limitation, on the date of a primary city election or a primary state election, if the governing body of the local government determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~first~~ second Tuesday after the first Monday in June of an odd-numbered year ~~if~~, whether or not the local government also holds a general city election on that date.

3. The determination made by the governing body pursuant to subsection 2 that an emergency exists is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the local government to prevent or mitigate a substantial financial loss to the local government or to enable the governing body to provide an essential service to the residents of the local government.

4. To the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 for a local government, the Executive Director of the Department of Taxation shall add any amount approved by the Legislature for the cost to that local government of any substantial program or expense required by legislative enactment.

Sec. 6. NRS 387.3285 is hereby amended to read as follows:

387.3285 1. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is fewer than 25,000 pupils may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 75 cents on each \$100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per \$100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

2. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is 25,000 pupils or more may levy a tax which, when combined with any tax

imposed pursuant to NRS 387.3287, is not more than 50 cents on each \$100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per \$100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

3. Any money collected pursuant to this section must be deposited in the county treasury to the credit of the fund for capital projects to be held and, except as otherwise provided in NRS 387.3287, to be expended in the same manner as other money deposited in that fund.

4. A special election may be held:

(a) At any time, including, without limitation, on the date of a primary city election or a primary state election if the board of trustees of the school district determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~first~~ second Tuesday after the first Monday in June of an odd-numbered year [], *whether or not any local government also holds a general city election on that date.*

5. The determination made by the board of trustees pursuant to subsection 4 that an emergency exists is conclusive unless it is shown that the board of trustees acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board of trustees must be commenced within 15 days after the determination made by board of trustees is final. As used in this subsection, “emergency” means an unexpected occurrence or combination of occurrences that requires immediate action by the board of trustees of the school district to prevent or mitigate a substantial financial loss to the school district or to enable the board of trustees to provide an essential service.

Sec. 7. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving

the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the ~~first~~ second Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 8. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

~~(a) [On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~(b)]~~ On the ~~[first]~~ second Tuesday after the first Monday in June ~~[1975,]~~ 2019, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.~~

~~(d)]~~ (b) On the ~~[first]~~ second Tuesday after the first Monday in June ~~[1977,]~~ 2017, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 9. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the ~~first~~ **second** Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the **second** Tuesday after the first Monday in June ~~[2001,] 2019,~~ and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the **second** Tuesday after the first Monday in June ~~[2003] 2021,~~ and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the **second** Tuesday after the first Monday in June ~~[2005,] 2017,~~ and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 10. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. Except as otherwise provided in section 5.010, no appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the *second* Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 11. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the *second* Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next

succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 12. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 962, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. Except as otherwise provided in section 5.025:

(a) On the second Tuesday after the first Monday in June ~~{1977,}~~ 2017, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the second Tuesday after the first Monday in June ~~{1975,}~~ 2019, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 13. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the ~~{first}~~ second Tuesday after the first Monday in June ~~{1975,}~~ 2019, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the ~~{first}~~ second Tuesday after the first Monday in June ~~{1977,}~~ 2017, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

~~Sec. 4.]~~ **Sec. 14.** 1. For the purposes of NRS 294A.100, as amended by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to a candidate for an office having a term of 6 years, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office described in paragraph (a) who, on or after January 1, 2011, and on or before January 8, 2011, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to a candidate for an office having a term of 4 years or more, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office described in paragraph (c) who, on or after January 1, 2013, and on or before January 5, 2013, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to a candidate for an office having a term of 2 years or more, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office described in paragraph (e) who, on or after January 1, 2015, and on or before January 3, 2015, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

2. For the purposes of NRS 294A.287, as affected by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to the legal defense fund of

a candidate for an office having a term of 6 years or a public officer who held such an office, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office or a public officer who held an office described in paragraph (a), the last preceding general election for which was in 2010, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2011, and on or before January 8, 2011, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 4 years or more or a public officer who held such an office, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office or a public officer who held an office described in paragraph (c), the last preceding general election for which was in 2012, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2013, and on or before January 5, 2013, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 2 years or more or a public officer who held such an office, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office or a public officer who held an office described in paragraph (e), the last preceding general election for which was in 2014, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2015, and on or before January 3, 2015, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

3. Nothing in this section authorizes a person to make a contribution or commitment to make a contribution, or a candidate or public officer to accept a contribution or commitment to make a contribution, in excess of the limits set forth in NRS 294A.100 or 294A.287.

Sec. 15. The amendatory provisions of this act do not abrogate or affect the current term of office of any municipal officer who is serving in that office on January 1, 2016.

~~Sec. 5.~~ **Sec. 16. 1. This section and sections 1, 1.7 to 3, inclusive, and 14 of this act (becomes) become effective on July 1, 2015.**

2. Sections 1.3, 1.5, 4 to 13, inclusive, and 15 of this act become effective on January 1, 2016.

Assemblyman Stewart moved the adoption of the amendment.
Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 23 relates to elections and campaign finance reports. Amendment 85 deletes from the regulations prescribed by the Secretary of State certain functions relating to the conduct of elections. It changes the date of the general city elections to the second Tuesday after the first Monday in June in odd-numbered years and makes conforming changes in city charters. It also incorporates the term “independent expenditure” into the definition of political action committee. It clarifies that a committee for the recall of a public officer must comply with reporting requirements under certain conditions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 24.

Bill read second time.

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

Amendment No. 252.

SUMMARY—Authorizes payroll offsets to recover money related to delinquent balances on state-issued travel charge cards. (BDR 23-458)

AN ACT relating to public officers and employees; authorizing payroll offsets to recover money related to delinquent balances on state-issued travel charge cards; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law and administrative regulations, the Department of Administration may contract with a charge card provider to provide charge cards to state officers and employees for the purpose of paying travel-related expenses. (NRS 281.160-281.175; State Administrative Manual §§ 230-236) Under this program, it is the officer’s or employee’s responsibility to pay the balance due on the charge card. This bill allows the State to deduct from the officer’s or employee’s paycheck any amounts required to pay off a delinquent balance on a charge card that has not been paid by the officer or employee. ~~It~~ or to pay an amount deducted from or offset against any rebate issued to the State by the issuer of the charge card related to the delinquent balance.

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

Section 1. NRS 281.1745 is hereby amended to read as follows:

281.1745 *1.* When an officer or employee uses a charge card issued at the request of the State for cash advances or travel expenses, or both, and the receipt of the travel reimbursement may be delayed more than 5 working days after the date of the initial submission of the travel reimbursement claim, the administrative head or the designee of the administrative head shall immediately issue to the officer or employee, for payment to the issuer of the charge card issued at the request of the State, a cash advance as

described in NRS 281.172 in the amount of the total travel expenses charged on the charge card.

2. If an officer or employee who has been issued a charge card at the request of the State for cash advances or travel expenses, or both, fails timely to pay the travel expenses charged on the card, with the result that the charge card incurs a delinquent balance, the State may withhold from the officer's or employee's regular pay, or final payment received upon termination of the officer's or employee's employment, an amount that is not more than the amount required to pay the delinquent balance ~~or the amount deducted from or offset against any rebate issued to the State by the issuer of the charge card related to the delinquent balance.~~ Any amount withheld from an officer's or employee's pay pursuant to this section shall, as soon as practicable, be remitted to the ~~issuer of the charge card~~ State as payment for the delinquent balance ~~or the amount deducted from or offset against any rebate issued to the State by the issuer of the charge card related to the delinquent balance.~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment allows the state to pay an amount deducted from or offset against any rebate issued to the state by the issuer of the charge card related to the delinquent balance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 53.

Bill read second time.

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

Amendment No. 114.

AN ACT relating to administrative procedure; revising provisions governing the standard of proof in administrative hearings; making various other changes to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act sets forth the minimum procedural requirements for the adjudication procedure of agencies of the Executive Department of the State Government that are subject to the Act. (NRS 233B.020) ~~[With certain exceptions, existing law allows costs to the prevailing party against any adverse party against whom judgment is rendered in certain civil actions. (NRS 18.020) Sections 3 and 12 of this bill prohibit the award of costs in any proceeding commenced by the filing of a petition for judicial review. (NRS 233B.130)]~~

Section 5 of this bill provides that ~~[an informal disposition of a contested case under the Act may include]~~ the voluntary surrender of a license ~~and~~

~~with respect to~~ **in** a contested case ~~[involving a license,]~~ will constitute disciplinary action against the licensee. **Section 5** also requires a party who requests the transcription of oral proceedings to pay for the costs of the transcription.

Under the Act, applications for the grant, denial or renewal of a license are a contested case for purposes of the application of the procedural requirements of the Act only if notice and opportunity for hearing are required to be provided to the applicant before the grant, denial or renewal of the license. (NRS 233B.127) **Section 8** of this bill clarifies that, to be a contested case, the provision of notice and opportunity for hearing must be required by statute or regulation.

Section 9 of this bill specifies the manner in which a petition for judicial review is required to be served. **Section 10** of this bill extends from 30 days to 45 days the period after the service of a petition for judicial review in which certain records are required to be transmitted to the reviewing court and also imposes a duty on the party who filed the petition to transmit to the reviewing court an original or certified copy of the transcript of the evidence. **Section 13** of this bill makes it discretionary instead of mandatory for a regulatory body that initiates disciplinary proceedings against a licensee to require the licensee to submit his or her fingerprints.

The Nevada Supreme Court recently clarified that the standard of proof that is required to be used by administrative agencies in administrative hearings is a preponderance of the evidence. (*Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op. No. 27, 327 P.3d 487 (2014)) ~~Sections 1-1, 2, 5, 7, 11-14 and 14-27~~ of this bill revise the standard of proof for administrative hearings in existing law to conform to the preponderance-of-the-evidence standard in the *Nassiri* opinion. **Section 11 of this bill codifies into statute the definition of "substantial evidence" in case law for purposes of the standard for judicial review. (See, e.g., State Empl't Sec. Dept. v. Hilton Hotels Corp., 102 Nev. 606 (1986))**

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

Section 1. Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Preponderance of the evidence" means evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact.*

Sec. 3. ~~[Costs must not be allowed in any proceeding commenced by the filing of a petition for judicial review pursuant to NRS 233B.130.]~~
(Deleted by amendment.)

Sec. 4. NRS 233B.030 is hereby amended to read as follows:
233B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233B.031 to 233B.0385, inclusive, **and section 2 of this act**, have the meanings ascribed to them in those sections.

Sec. 5. NRS 233B.121 is hereby amended to read as follows:

233B.121 1. In a contested case, all parties must be afforded an opportunity for hearing after reasonable notice.

2. The notice must include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and regulations involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement must be furnished.

3. Any party is entitled to be represented by counsel.

4. Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved. An agency may by regulation authorize the payment of fees and reimbursement for mileage to witnesses in the same amounts and under the same conditions as for witnesses in the courts of this state.

5. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default ~~and may include, without limitation, the voluntary surrender of a license. An agency shall consider an informal disposition of a contested case involving a license to constitute disciplinary action against the licensee.~~ If an informal disposition is made, the parties may waive the requirement for findings of fact and conclusions of law.

6. **The voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee.**

7. The record in a contested case must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) A statement of matters officially noticed.

(d) Questions and offers of proof and objections, and rulings thereon.

(e) Proposed findings and exceptions.

(f) Any decision, opinion or report by the hearing officer presiding at the hearing.

~~7~~ 8. Oral proceedings, or any part thereof, must be transcribed on request of any party. ***The party making the request shall pay all the costs for the transcription.***

~~8~~ 9. Findings of fact must be based exclusively on ~~substantial~~ a ***preponderance of the*** evidence and on matters officially noticed.

Sec. 6. NRS 233B.123 is hereby amended to read as follows:

233B.123 In contested cases:

1. Irrelevant, immaterial or unduly repetitious evidence must be excluded. Evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and must be noted in the record. Subject to the requirements of this subsection, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. Documentary evidence may be received in the form of authenticated copies or excerpts . ~~[, if the original is not readily available.]~~ Upon request, parties must be given an opportunity to compare the copy with the original.

3. Every witness shall declare, by oath or affirmation, that he or she will testify truthfully.

4. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in the direct examination, impeach any witness, regardless of which party first called the witness to testify, and rebut the evidence against him or her.

5. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the specialized knowledge of the agency. Parties must be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they must be afforded an opportunity to contest the material so noticed. The experience, technical competence and specialized knowledge of the agency may be utilized in the evaluation of the evidence.

Sec. 7. NRS 233B.125 is hereby amended to read as follows:

233B.125 A decision or order adverse to a party in a contested case must be in writing or stated in the record. Except as provided in subsection 5 of NRS 233B.121, a final decision must include findings of fact and conclusions of law, separately stated. Findings of fact and decisions must be based upon ~~[substantial]~~ **a preponderance of the** evidence. Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency regulations, a party submitted proposed findings of fact ~~[]~~ **before the commencement of the hearing**, the decision must include a ruling upon each proposed finding. Parties must be notified either personally or by certified mail of any decision or order. Upon request a copy of the decision or order must be delivered or mailed forthwith to each party and to the party's attorney of record.

Sec. 8. NRS 233B.127 is hereby amended to read as follows:

233B.127 1. ~~[When]~~ **The provisions of NRS 233B.121 to 233B.150, inclusive, and section 3 of this act do not apply to** the grant, denial or renewal of a license ~~[is required to be preceded by]~~ **unless** notice and

opportunity for hearing ~~[the provisions of this chapter concerning contested cases apply.]~~ **are required by law to be provided to the applicant before the grant, denial or renewal of the license.**

2. When a licensee has made timely and sufficient application for the renewal of a license or for a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

3. No revocation, suspension, annulment or withdrawal of any license is lawful unless, before the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. An agency's order of summary suspension may be issued by the agency or by the Chair of the governing body of the agency. If the order of summary suspension is issued by the Chair of the governing body of the agency, the Chair shall not participate in any further proceedings of the agency relating to that order. Proceedings relating to the order of summary suspension must be instituted and determined within 45 days after the date of the order unless the agency and the licensee mutually agree in writing to a longer period.

Sec. 9. NRS 233B.130 is hereby amended to read as follows:

233B.130 1. Any party who is:

(a) Identified as a party of record by an agency in an administrative proceeding; and

(b) Aggrieved by a final decision in a contested case,
 ↪ is entitled to judicial review of the decision. Where appeal is provided within an agency, only the decision at the highest level is reviewable unless a decision made at a lower level in the agency is made final by statute. Any preliminary, procedural or intermediate act or ruling by an agency in a contested case is reviewable if review of the final decision of the agency would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondents the agency and all parties of record to the administrative proceeding;

(b) Be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred; ~~[and]~~

(c) **Be served upon:**

(1) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(2) The person serving in the office of administrative head of the named agency; and

(d) Be filed within 30 days after service of the final decision of the agency.

↪ Cross-petitions for judicial review must be filed within 10 days after service of a petition for judicial review.

3. The agency and any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the agency and every party within 20 days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon the agency and every party within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service. If the proceeding involves a petition for judicial review or cross-petition for judicial review of a final decision of the State Contractors' Board, the district court may, on its own motion or the motion of a party, dismiss from the proceeding any agency or person who:

(a) Is named as a party in the petition for judicial review or cross-petition for judicial review; and

(b) Was not a party to the administrative proceeding for which the petition for judicial review or cross-petition for judicial review was filed.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case involving an agency to which this chapter applies.

Sec. 10. NRS 233B.131 is hereby amended to read as follows:

233B.131 1. Within ~~[30]~~ **45** days after the service of the petition for judicial review or such time as is allowed by the court ~~[, the]~~ :

(a) The party who filed the petition for judicial review shall transmit to the reviewing court an original or certified copy of the transcript of the evidence resulting in the final decision of the agency.

(b) The agency that rendered the decision which is the subject of the petition shall transmit to the reviewing court the original or a certified copy of the ~~[entire]~~ remainder of the record of the proceeding under review . ~~[, including a transcript of the evidence resulting in the final decision of the agency.]~~

↪ The record may be shortened by stipulation of the parties to the proceedings. A party unreasonably refusing to stipulate to limit the record, as

determined by the court, may be assessed by the court any additional costs. The court may require or permit subsequent corrections or additions to the record.

2. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence and any rebuttal evidence be taken before the agency upon such conditions as the court determines.

3. After receipt of any additional evidence, the agency:

- (a) May modify its findings and decision; and
- (b) Shall file the evidence and any modifications, new findings or decisions with the reviewing court.

Sec. 11. NRS 233B.135 is hereby amended to read as follows:

233B.135 1. Judicial review of a final decision of an agency must be:

- (a) Conducted by the court without a jury; and
- (b) Confined to the record.

↪ In cases concerning alleged irregularities in procedure before an agency that are not shown in the record, the court may receive evidence concerning the irregularities.

2. The final decision of the agency shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 3.

3. The court shall not substitute its judgment for that of the agency as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the agency is:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the agency;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable ~~and~~ probative and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion.

4. As used in this section, "substantial evidence" means evidence which a reasonable mind might accept as adequate to support a conclusion.

~~Sec. 12. [NRS 18.020 is hereby amended to read as follows:~~

~~18.020 [Costs] **Except as otherwise provided in section 3 of this act, costs must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered, in the following cases:**~~

~~1. In an action for the recovery of real property or a possessory right thereto.~~

~~2. In an action to recover the possession of personal property, where the value of the property amounts to more than \$2,500. The value must be determined by the jury, court or master by whom the action is tried.~~

~~3. In an action for the recovery of money or damages, where the plaintiff seeks to recover more than \$2,500.~~

~~4. In a special proceeding, except a special proceeding conducted pursuant to NRS 306.040.~~

~~5. In an action which involves the title or boundaries of real estate, or the legality of any tax, impost, assessment, toll or municipal fine, including the costs accrued in the action if originally commenced in a Justice Court.]~~

(Deleted by amendment.)

Sec. 13. NRS 622.360 is hereby amended to read as follows:

622.360 1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title, the *regulatory body may require the licensee* ~~[shall, within 30 days after the licensee receives notification of the initiation of the disciplinary proceedings,]~~ *to* submit to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.

3. A regulatory body has an additional ground for taking disciplinary action against the licensee if:

(a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is a ground for taking disciplinary action against the licensee pursuant to this title; and

(b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.

4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee.

Sec. 14. NRS 622A.370 is hereby amended to read as follows:

622A.370 1. The prosecutor has the burden of proof in any hearing pursuant to this chapter. The standard of proof in such a hearing is ~~[substantial]~~ *a preponderance of the* evidence.

2. Except as otherwise provided in this chapter, the regulatory body or hearing panel or officer is not bound by strict rules of procedure or rules of evidence when conducting the hearing, except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123.

3. In any hearing pursuant to this chapter, the acts which constitute grounds for initiating disciplinary action against a licensee and the administrative penalties that may be imposed against a licensee are set forth in the occupational licensing chapter governing the licensee.

4. If requested by any party, the hearing or any portion of the hearing must be transcribed. The party making the request shall pay all costs for the transcription.

5. *As used in this section, “preponderance of the evidence” has the meaning ascribed to it in section 2 of this act.*

Sec. 15. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

“Preponderance of the evidence” has the meaning ascribed to it in section 2 of this act.

Sec. 16. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, *and section 15 of this act*, have the meanings ascribed to them in those sections.

Sec. 17. NRS 631.255 is hereby amended to read as follows:

631.255 1. The Board may, without a clinical examination required by NRS 631.240, issue a specialist’s license to a person who:

(a) Presents a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association; or

(b) Has completed the educational requirements specified for certification in a specialty area by a certifying board approved by the Commission on Dental Accreditation of the American Dental Association and is recognized by the certifying board as being eligible for that certification. A person who is licensed as a specialist pursuant to the provisions of this paragraph:

(1) Shall submit to the Board his or her certificate as a diplomate from the certifying board within 6 years after licensure as a specialist; and

(2) Must maintain certification as a diplomate of the certifying board during the period in which the person is licensed as a specialist pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, a person applying for a specialist’s license:

(a) Must hold an active license to practice dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, or pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, if the person is applying pursuant to paragraph (b) of subsection 1;

(b) Must be a specialist as identified by the Board;

(c) Shall pay the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(d) Must submit all information required to complete an application for a license; and

(e) Must satisfy the requirements of NRS 631.230.

3. The Board shall not issue a specialist's license to a person:

(a) Whose license to practice dentistry has been revoked or suspended;

(b) Who has been refused a license to practice dentistry; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry,

↳ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a specialist's license is issued pursuant to this section shall limit his or her practice to the specialty.

6. The Board may revoke a specialist's license at any time ~~[upon submission of substantial evidence to]~~ *if* the Board *finds, by a preponderance of the evidence*, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 18. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:

(a) Is qualified for a license to practice dentistry or dental hygiene in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry or dental hygiene of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a

clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry or dental hygiene if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry or dental hygiene, ↪ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry or dental hygiene in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene for services provided as a dental intern, dental resident or instructor of dentistry or dental hygiene pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry or dental hygiene in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by

regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time ~~upon submission of substantial evidence to~~ **if the Board finds, by a preponderance of the evidence,** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 19. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had a license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(g) Submits all information required to complete an application for a license; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

- (a) Practice dentistry for the duration of the temporary license; and
- (b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if the person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time ~~upon submission of substantial evidence to~~ **if the Board finds, by a preponderance of the evidence,** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

- (a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;
- (b) Satisfies the requirements of NRS 631.290;
- (c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a temporary license;
- (d) Has not had a license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;
- (e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;
- (f) Is not involved in or does not have pending a disciplinary action concerning a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;
- (g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and
- (h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

- (a) Practice dental hygiene for the duration of the temporary license; and
- (b) Apply for a permanent license to practice dental hygiene without a clinical examination required by NRS 631.300 if the person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years.

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time ~~upon submission of substantial evidence to~~ **if the Board finds, by a preponderance of the evidence,** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 21. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a restricted geographical license to practice dentistry or dental hygiene to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in a rural area of a county in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in one or more rural areas within those counties in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 or 631.300 for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry or dental hygiene in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 or 631.300;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry or dental hygiene has been revoked or suspended;

(b) Who has been refused a license to practice dentistry or dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry or dental hygiene,

↪ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry or dental hygiene only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 or 631.300 if the person:

(a) Has not had a license to practice dentistry or dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry or dental hygiene for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time ~~upon submission of substantial evidence to~~ *if* the Board *finds, by a preponderance of the evidence*, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 22. NRS 631.275 is hereby amended to read as follows:

631.275 1. Except as otherwise provided in subsection 2, the Board shall, without examination, issue a restricted license to practice dentistry to a person who:

(a) Has a valid license to practice dentistry issued pursuant to the laws of another state or the District of Columbia;

(b) Has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor organization;

(c) Has entered into a contract with a facility approved by the Division of Public and Behavioral Health of the Department of Health and Human Services to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license; and

(d) Satisfies the requirements of NRS 631.230.

2. The Board shall not issue a restricted license to a person:

(a) Who has failed to pass the examination of the Board;

(b) Who has been refused a license in this State, another state or territory of the United States, or the District of Columbia; or

(c) Whose license to practice dentistry has been revoked in this State, another state or territory of the United States, or the District of Columbia.

3. A person to whom a restricted license is issued pursuant to subsection 1:

(a) May perform dental services only:

(1) Under the general supervision of the State Dental Health Officer or the supervision of a dentist who is licensed to practice dentistry in this State and appointed by the Division of Public and Behavioral Health of the Department of Health and Human Services to supervise dental care that is provided in a facility which has entered into a contract with the person to whom a restricted license is issued and which is approved by the Division; and

(2) In accordance with the contract required pursuant to paragraph (c) of that subsection.

(b) Shall not, for the duration of the restricted license, engage in the private practice of dentistry, which includes, without limitation, providing dental services to a person who pays for the services.

4. A restricted license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the restricted license. The holder of a restricted license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the restricted license for 1 year.

5. A person who receives a restricted license must pass the examination of the Board within 3 years after receiving the restricted license. If the person fails to pass that examination, the Board shall revoke the restricted license.

6. The Board may revoke a restricted license at any time ~~[upon submission of substantial evidence to]~~ **if** the Board **finds, by a preponderance of the evidence**, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 23. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

- (a) Refuse to issue a license to any person;
- (b) Revoke or suspend the license or renewal certificate issued by it to any person;
- (c) Fine a person it has licensed;
- (d) Place a person on probation for a specified period on any conditions the Board may order;
- (e) Issue a public reprimand to a person;
- (f) Limit a person's practice to certain branches of dentistry;
- (g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;
- (h) Require that a person's practice be supervised;
- (i) Require a person to perform community service without compensation;
- (j) Require a person to take a physical or mental examination or an examination of his or her competence;
- (k) Require a person to fulfill certain training or educational requirements;
- (l) Require a person to reimburse a patient; or
- (m) Any combination thereof,

~~↪ [upon submission of substantial evidence to]~~ **if** the Board **finds, by a preponderance of the evidence**, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry or dental hygiene;
- (b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 24. NRS 637.150 is hereby amended to read as follows:

637.150 1. ~~Upon proof~~ ***If the Board finds***, by ~~substantial~~ ***a preponderance of the*** evidence, that an applicant or holder of a license:

- (a) Has been adjudicated insane;
- (b) Habitually uses any controlled substance or intoxicant;
- (c) Has been convicted of a crime involving moral turpitude;
- (d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
- (e) Has advertised in any manner which would tend to deceive, defraud or mislead the public;
- (f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained a license to practice in this State through fraud of any kind;
- (g) Has been convicted of a violation of any federal or state law relating to a controlled substance;
- (h) Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS 637.073;
- (i) Has violated any regulation of the Board;
- (j) Has violated any provision of this chapter;
- (k) Is incompetent;
- (l) Is guilty of unethical or unprofessional conduct as determined by the Board;
- (m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;
- (n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or
- (o) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160,

↳ the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than \$10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.

2. The Board shall not privately reprimand a holder of a license.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of paragraph (o) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.

5. *As used in this section, "preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.*

Sec. 25. NRS 638.145 is hereby amended to read as follows:

638.145 *1.* The Board shall not refuse to issue a license to an applicant or take any disciplinary action against a licensee unless the Board finds, by ~~substantial~~ *a preponderance of the* evidence, that the applicant or licensee has engaged in one or more of the practices prohibited by the provisions of this chapter.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.

Sec. 26. NRS 641.230 is hereby amended to read as follows:

641.230 *1.* The Board may suspend or revoke a person's license as a psychologist, behavior analyst or assistant behavior analyst or certificate as an autism behavior interventionist, place the person on probation, require remediation for the person or take any other action specified by regulation if the Board finds by ~~substantial~~ *a preponderance of the* evidence that the person has:

~~1-1~~ *(a)* Been convicted of a felony relating to the practice of psychology or the practice of applied behavior analysis.

~~2-1~~ *(b)* Been convicted of any crime or offense that reflects the inability of the person to practice psychology or applied behavior analysis with due regard for the health and safety of others.

~~3-1~~ *(c)* Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

~~4-1~~ *(d)* Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology or the practice of applied behavior analysis.

~~5-1~~ *(e)* Aided or abetted the practice of psychology by a person not licensed by the Board.

~~6-1~~ *(f)* Made any fraudulent or untrue statement to the Board.

~~7-1~~ *(g)* Violated a regulation adopted by the Board.

~~{8.}~~ (h) Had a license to practice psychology or a license or certificate to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

~~{9.}~~ (i) Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology or applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

~~{10.}~~ (j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

~~{11.}~~ (k) Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

~~{12.}~~ (l) Engaged in sexual activity with a patient or client.

~~{13.}~~ (m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

~~{14.}~~ (n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

~~{15.}~~ (o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

~~{a)}~~ (1) The license of the facility was suspended or revoked; or

~~{b)}~~ (2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This ~~{subsection}~~ *paragraph* applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, “preponderance of the evidence” has the meaning ascribed to it in section 2 of this act.

Sec. 27. NRS 683C.130 is hereby amended to read as follows:

683C.130 1. Upon suspension, limitation or revocation of the license of an insurance consultant, the Commissioner shall immediately notify the licensee in person or by mail addressed to the licensee at his or her most recent address of record with the Division. Notice by mail is effective when mailed.

2. The Commissioner shall not again issue a license under this chapter to any natural person whose license has been revoked until at least 1 year after the revocation has become final, and thereafter not until the person again qualifies for it under this chapter. A person whose license has been revoked twice is not eligible for any license under this title.

3. If the license of a business organization is suspended, limited or revoked, no member, officer or director of the organization may be licensed, or designated in a license to exercise its powers, during the period of suspension

or revocation, unless the Commissioner determines ~~[upon substantial]~~, *by a preponderance of the* evidence, that the member, officer or director was not personally at fault and did not knowingly aid, abet, assist or acquiesce in the matter for which the license was suspended or revoked.

4. As used in this section, “preponderance of the evidence” has the meaning ascribed to it in section 2 of this act.

Sec. 28. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment deletes proposed language which prohibits the awarding of costs in any proceeding commenced by the filing of a petition for judicial review. It also ensures that a voluntary surrender of a license in a contested case constitutes a disciplinary action against the licensee. It deletes proposed language regarding informal disposition of contested cases and reinstates the term “substantial” with respect to the standard of review in a contested case. Finally, the amendment provides a definition for “substantial evidence” to maintain consistency with existing case law.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time and ordered to third reading.

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 165.

AN ACT relating to taxation; revising ~~[provisions regarding property taxes and the governmental services tax to provide that]~~ **the calculation of the inflation adjustment to certain exemptions from property taxes and governmental services taxes for certain veterans ; [qualify for the maximum allowable exemption from those taxes;]** providing a deduction from the payroll tax for wages paid to newly hired full-time employees who are veterans; providing an exemption from certain sales and use taxes for certain relatives of a member of the Nevada National Guard who is called into active service and is killed while performing his or her duties as a member of the Nevada National Guard; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a person who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States is entitled to an exemption from property taxes and the governmental services tax. ~~[The]~~ **Each fiscal year, the** amount of exemption is **adjusted for inflation** based on ~~[the extent of a permanent service-connected disability.]~~ **the percentage increase in the Consumer Price Index (All Items) for a certain period.** (NRS 361.091, 371.104)

~~[[Federal regulations provide that certain veterans who have a service-connected disability not rated as a total permanent disability may receive a rating of total permanent disability if the veteran's disability prevents him or her from securing or following a substantially gainful occupation. Such a rating is referred to as an individual unemployability rating. (38 C.F.R. § 21.6503)] Sections 1 and 4 of this bill revise provisions governing [property taxes and the governmental services tax] these inflation adjustments to provide that ~~[a person who receives an individual unemployability rating as described in federal regulations qualifies for the maximum allowable exemption from these taxes.]~~ : (1) the adjustments are based on the percentage increase in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor, or the successor index that most closely resembles that index as determined by the Department of Taxation; and (2) the percentage increase in that index is measured for the same period for the purposes of both adjustments.~~

Existing law requires employers to pay a payroll tax on the wages paid to their employees during each calendar quarter. The tax is imposed on financial institutions at the rate of 2 percent per calendar quarter and, effective July 1, 2015, on other employers at the rate of 0.63 percent per calendar quarter. (NRS 363A.130, 363B.110) **Sections 2 and 3** of this bill authorize financial institutions and other employers to deduct from the total amount of wages reported and upon which the payroll tax is imposed any wages paid to a newly hired full-time employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if: (1) the employee is a veteran of certain specified military service; (2) at the time of hiring the employee has been unemployed for a continuous period of not less than ~~6~~ **3** months; and (3) certain other conditions are satisfied. The deduction does not apply with respect to any employee hired after June 30, 2019.

Existing law provides an exemption from certain sales and use taxes for members of the Nevada National Guard called into active service and for certain relatives of such members of the Nevada National Guard. (NRS 372.7281, 374.7285) **Sections 5-8** of this bill provide for eligibility for a 3-year exemption from such taxes for certain relatives of members of the Nevada National Guard who are killed while performing duties as a member of the Nevada National Guard while on active service.

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

Section 1. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably

discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. ~~For the purposes of this section, a person who receives an individual unemployability rating as described in 38 C.F.R. § 21.6503 shall be deemed to have a total permanent disability.~~ The maximum allowable exemption for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

↪ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

↪ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the United States Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that disability, ~~for individual unemployability rating, if applicable,~~ together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

↪ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the ~~{Consumer Price Index (All Items)}~~ **consumer price inflation index** from July 2003 to the July preceding the fiscal year for which the adjustment is

calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

11. For the purposes of this section, “consumer price inflation index” means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department.

Sec. 2. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been ~~unemployed~~ :

(1) Unemployed for a continuous period of not less than ~~6~~ 3 months immediately preceding the date of hire ; and ~~+~~

~~[(1) Has been receiving]~~

(2) Receiving unemployment compensation continuously for that entire period; ~~for~~

~~— (2) Would have been eligible to receive unemployment compensation continuously for that entire period if the duration of his or her eligibility for unemployment compensation had not expired within the 24 months immediately preceding the date of hire;]~~

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed; ~~and]~~

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c);

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with

such documentation as the Department deems appropriate to substantiate that claim.

Sec. 3. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been ~~unemployed~~ ;

(1) Unemployed for a continuous period of not less than ~~6~~ 3 months immediately preceding the date of hire ; and ~~for~~

~~(1) Has been receiving~~

(2) Receiving unemployment compensation continuously for that entire period; ~~for~~

~~(2) Would have been eligible to receive unemployment compensation continuously for that entire period if the duration of his or her eligibility for unemployment compensation had not expired within the 24 months immediately preceding the date of hire;~~

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed; ~~and~~

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c); and

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

Sec. 4. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of

governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first \$20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.

~~2. For the purposes of subsection 1, a person who receives an individual unemployability rating as described in 38 C.F.R. § 21.6503 shall be deemed to have a disability of 100 percent.~~

~~3.7~~ In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before an authorized employee of the Department or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before an authorized employee of the Department or a notary public.

~~3. ~~4.7~~~~ For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which a person described in subsection 1 or ~~2. ~~3.7~~~~ has any interest shall be deemed to belong entirely to that person.

~~4. ~~5.7~~~~ A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or ~~2. ~~3.7~~~~ as applicable, and that the exemption is claimed in no other county within this State. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection ~~2. ~~3.7~~~~ the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

↪ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. ~~6.~~ Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the veteran's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability ; ~~for documentation that the veteran has received an individual unemployability rating;~~ and

(b) Any one of the following:

- (1) An honorable discharge;
- (2) A certificate of satisfactory service; or
- (3) A certified copy of either of these documents.

6. ~~7.~~ A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death or, if not for a transfer of the exemption pursuant to subsection 2. ~~3.~~ would have been eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

↪ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4. ~~5.~~ and 5. ~~6.~~ After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

7. ~~8.~~ If a tax exemption is allowed under this section, the veteran and his or her current spouse are not entitled to an exemption under NRS 371.103.

8. ~~9.~~ If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person

is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

9. ~~10.~~ Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 ~~4~~ must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the ~~Consumer Price Index (All Items)~~ **consumer price inflation index** from ~~December~~ **July** 2003 to the ~~December~~ **July** preceding the fiscal year for which the adjustment is calculated.

10. For the purposes of this section, “consumer price inflation index” means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.

Sec. 5. NRS 372.7281 is hereby amended to read as follows:

372.7281 In administering the provisions of NRS 372.325, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. *A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:*

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 6. NRS 372.7282 is hereby amended to read as follows:

372.7282 1. A person who wishes to claim an exemption pursuant to NRS 372.7281 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 372.7281, the Department shall issue a letter of exemption to the person. ~~The~~ A letter of exemption **issued to a**

member of the Nevada National Guard described in subsection 1 of NRS 372.7281 or a relative of a member described in subsection 2 of NRS 372.7281 expires on the date on which the person no longer meets the qualifications for eligibility. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 372.7281 expires on the date 3 years after the date of the death of the member.

3. To claim an exemption pursuant to NRS 372.7281 for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 7. NRS 374.7285 is hereby amended to read as follows:

374.7285 In administering the provisions of NRS 374.330, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. *A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:*

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 8. NRS 374.7286 is hereby amended to read as follows:

374.7286 1. A person who wishes to claim an exemption pursuant to NRS 374.7285 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 374.7285, the Department shall issue a

letter of exemption to the person. ~~The~~ A letter of exemption *issued to a member of the Nevada National Guard described in subsection 1 of NRS 374.7285 or a relative of a member described in subsection 2 of NRS 374.7285* expires on the date on which the person no longer meets the qualifications for eligibility. *A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 374.7285 expires on the date 3 years after the date of the death of the member.*

3. To claim an exemption pursuant to NRS 374.7285, for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 9. 1. This act becomes effective on July 1, 2015.

2. Sections 2 and 3 of this act expire by limitation on July 31, 2022.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

This amendment makes several changes to the bill including making technical adjustments and clarifications to the inflation calculations used to determine the exemptions from the property tax and governmental services tax for eligible disabled veterans. It removes provisions expanding these property tax and governmental service tax exemptions to include those persons who have individual unemployability ratings from the U.S. Department of Veteran Services, reducing the period by which a newly hired employee must have been unemployed in order to become eligible for a modified business tax deduction from six months to three months. It requires the employee to provide documentation to the employer to verify that the employee has been previously unemployed for that three-month period.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bill No. 71 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 159.

AN ACT relating to tobacco; expanding the definition of “manufacturer” to include certain persons manufacturing cigarettes using certain cigarette

rolling machines; prohibiting a manufacturer from operating a cigarette rolling machine without a license from the Department of Taxation; authorizing the seizure and destruction of cigarette rolling machines under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of cigarettes and other tobacco products, including the regulation and licensing of persons engaged in the manufacturing of cigarettes and other tobacco products. (Chapter 370 of NRS) **Sections 2 and 5** of this bill expand the definition of "manufacturer" to include certain persons producing, filling, rolling, dispensing or otherwise manufacturing cigarettes using certain commercial-grade cigarette rolling machines. **Section 7** of this bill prohibits a manufacturer from operating a cigarette rolling machine without a license from the Department of Taxation. **Section 9** of this bill provides for the seizure and destruction of cigarette rolling machines being used in violation of chapter 370 of NRS.

Existing law generally prohibits a person from conducting business in this State without first obtaining a state business license. Certain persons are deemed to conduct a business in this State for the purpose of obtaining a business license, including a person who is responsible for a business that has a registered agent in this State. (NRS 76.100) **Sections 3 and 10** of this bill provide that certain manufacturers of tobacco are not deemed to conduct a business in this State if the manufacturer maintains a registered agent in this State solely because of the requirement to maintain such an agent pursuant to ~~the Prevent All Cigarette Trafficking Act of 2009. (15 U.S.C. § 376(a)(1))~~ **a provision of existing law requiring certain nonresident and foreign manufacturers to maintain a registered agent in this State for certain purposes.**

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

Section 1. Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. "Cigarette rolling machine" means any machine that:

(a) May be loaded with loose tobacco, cigarette tubes, cigarette papers or any other component related to the production of cigarettes;

(b) Is designed to automatically or mechanically produce, roll, fill, dispense or otherwise manufacture cigarettes;

(c) Is of a commercial grade or otherwise designed or suitable for commercial use; and

(d) Is designed to be powered or operated by a primary source of power other than human power.

2. The term does not include any handheld or manually operated machine or device if the machine or device is:

(a) Used to make cigarettes for the personal consumption of the owner of the machine or device; or

(b) Held by a retail establishment solely for sale to a consumer for the purpose of making cigarettes off the premises of the retail establishment and for personal consumption.

Sec. 3. *A manufacturer who maintains a registered agent in this State solely because of the requirements set forth in ~~15 U.S.C. § 376(a)(1)~~ NRS 370.680 and who is not otherwise required to obtain a state business license pursuant to NRS 76.100 is not deemed, pursuant to paragraph (c) of subsection 6 of NRS 76.100, to conduct a business in this State.*

Sec. 4. NRS 370.001 is hereby amended to read as follows:

370.001 As used in NRS 370.001 to 370.430, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 370.005 to 370.055, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 370.0315 is hereby amended to read as follows:

370.0315 **1.** “Manufacturer” means any person who:

~~1-1~~ *(a) Manufactures, fabricates, assembles, processes or labels a finished cigarette; ~~for~~*

~~2-1~~ *(b) Imports, whether directly or indirectly, a finished cigarette into the United States for sale or distribution in this State ~~1-1~~; or*

(c) Owns, maintains, operates or permits any other person to operate a cigarette rolling machine for the purpose of producing, filling, rolling, dispensing or otherwise manufacturing cigarettes.

2. The term does not include a natural person who uses a handheld or manually operated machine or device to produce cigarettes using “roll-your-own” tobacco if the cigarettes produced are for personal consumption and not for sale, resale or any other profit-making endeavor.

Sec. 6. NRS 370.070 is hereby amended to read as follows:

370.070 The provisions of NRS 370.001 to 370.430, inclusive, *and sections 2 and 3 of this act* do not apply to:

1. Common carriers while engaged in interstate commerce which sell or furnish cigarettes on their trains, buses or airplanes;

2. A person entering this state with a quantity of cigarettes for household or personal use which is exempt from federal import duty; and

3. A duty-free sales enterprise as defined in 19 U.S.C. § 1555(b)(8)(D) that:

(a) Operates pursuant to the provisions of 19 U.S.C. § 1555(b); and

(b) To the extent it sells cigarettes, only sells cigarettes that are duty-free merchandise as defined in 19 U.S.C. § 1555(b)(8)(E).

Sec. 7. NRS 370.080 is hereby amended to read as follows:

370.080 **1.** A person shall not engage in business as a wholesale dealer in the State of Nevada unless that person first secures a license to engage in that activity from the Department.

2. A person shall not engage in business as a retail dealer in the State of Nevada unless that person first secures a license to engage in that activity from the Department.

3. A manufacturer shall not ~~sell~~ :

(a) *Sell* any cigarettes to a wholesale dealer in the State of Nevada ; *or*

(b) *Operate or permit any person other than the manufacturer to operate a cigarette rolling machine for the purpose of producing, filling, rolling, dispensing or otherwise manufacturing cigarettes,*

↳ unless that manufacturer first secures a license to engage in that activity from the Department.

4. A separate license is required to engage in each of the activities described in this section.

Sec. 8. NRS 370.250 is hereby amended to read as follows:

370.250 1. The Department may temporarily suspend or permanently revoke a license as a wholesale dealer in accordance with the regulations adopted pursuant to NRS 370.253 if the licensee:

(a) Fails to file or files an incomplete or inaccurate report or certification required by this chapter;

(b) Fails to pay any tax owed upon cigarettes required by this chapter;

(c) Fails to cure any shortfall for which the wholesale dealer is liable pursuant to NRS 370.683;

(d) Sells in this State, purchases or possesses any cigarettes or cigarette packages in violation of any provision of this chapter; or

(e) Imports into or exports from this State any cigarettes or cigarette packages in violation of any provision of this chapter.

2. Except as otherwise provided in subsection 1 or 3, the Department may temporarily suspend or permanently revoke the license of any licensee for violating, or causing or permitting to be violated, any of the provisions of NRS 370.001 to 370.430, inclusive, *and sections 2 and 3 of this act* or any regulations adopted for the administration or enforcement of any of those provisions.

3. The Department shall permanently revoke the license of any licensee convicted of any felony pursuant to NRS 370.405.

Sec. 9. NRS 370.415 is hereby amended to read as follows:

370.415 1. The Department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any counterfeit stamps , ~~and any~~ contraband tobacco products , ~~and~~ machinery used to manufacture contraband tobacco products ~~and~~ *and cigarette rolling machines being used in violation of any provision of this chapter that are* found or located in the State of Nevada.

2. A sheriff or other peace officer who seizes stamps, contraband tobacco products , ~~or~~ machinery *or cigarette rolling machines* pursuant to this section shall provide written notification of the seizure to the Department not later than 5 working days after the seizure. The notification must include the reason for the seizure.

3. After consultation with the Department, the sheriff or other peace officer shall transmit the contraband tobacco products to the Department if:

(a) The contraband tobacco products consist of cigarettes and:

(1) Except for revenue stamps or metered machine impressions being properly affixed as required by this chapter, the cigarettes comply with all state and federal statutes and regulations; and

(2) The Department approves the transmission of the cigarettes; or

(b) The contraband tobacco products consist of any other tobacco products and the Department approves the transmission of the other tobacco products.

4. Upon the receipt of any:

(a) Cigarettes pursuant to subsection 3, the Department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270; or

(b) Other tobacco products pursuant to subsection 3, the Department shall:

(1) Sell the other tobacco products to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records; or

(2) If there is no bidder, or in the opinion of the Department the quantity of the other tobacco products is insufficient, or for any other reason such disposition would be impractical, destroy or dispose of the other tobacco products as the Department may see fit.

↪ The proceeds of all sales pursuant to this paragraph must be classed as revenues derived under the provisions of NRS 370.440 to 370.503, inclusive.

5. The sheriff or other peace officer who seizes any stamps, contraband tobacco products, ~~or~~ machinery *or cigarette rolling machines* pursuant to this section shall:

(a) Destroy the stamps, ~~and~~ machinery ~~and~~ *cigarette rolling machines*; and

(b) If he or she does not transmit the contraband tobacco products to the Department, destroy the contraband tobacco products.

Sec. 10. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the

Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$200; and

(d) Include any other information that the Secretary of State deems necessary.

↪ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

(b) Has an office or other base of operations in this State;

(c) ~~Has~~ ***Except as otherwise provided in section 3 of this act, has*** a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

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

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

This amendment clarifies that manufacturers of tobacco are not considered to be conducting business in this state if the manufacturers' only presence in this state is the maintenance of a registered agent to comply with NRS 370.680.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 6.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring veterans of the Armed Forces of the United States who have received the Silver Star or Bronze Star Medal, as applicable; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and ~~7~~ 9 of this bill authorize qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor veterans of the Armed Forces of the United States who have been awarded the Silver Star or Bronze Star Medal. Unless the special license plates are lost, stolen or mutilated, in which case a \$5 replacement fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates. **Section 1 also provides that: (1) a veteran who is eligible for such special license plates and who, as a result of his or her service, has suffered a 100-percent service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plate; and (2) a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, but not including parking fees charged by the Federal Government. Sections 7 and 8 of this bill make conforming changes to the provisions of existing law regarding the applicability of parking laws to vehicles displaying special license plates which bear the international symbol of access. (NRS 484B.463, 484B.467)**

Section 3 of this bill provides that, if the Director of the Department orders a redesign of license plates, the Department is prohibited from issuing redesigned license plates to the holder of a set of plates honoring recipients of the Silver Star or Bronze Star Medal without the approval of the holder.

Under existing law, most special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 4-6** of this bill exempt the special plates honoring recipients of the Silver Star or Bronze Star Medal from all three of the preceding requirements.

Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemptions provided in **sections 4-6, section 2** of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring recipients of the Silver Star or Bronze Star Medal.

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

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

1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

(a) Silver Star; or

(b) Bronze Star Medal.

2. A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with the applicable federal standards and must be white on a blue background.

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

~~3.~~ *4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status*

as a recipient of the Silver Star or Bronze Star Medal, as applicable, and evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

~~4.~~ *5. Except as otherwise provided in this subsection, a vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State. Such a vehicle is not exempt from parking fees charged by the Federal Government, unless the Federal Government grants such an exemption.*

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

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

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

~~5.~~ *7. Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of \$5.*

Sec. 2. NRS 482.216 is hereby amended to read as follows:

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

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

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

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

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

- (a) Charge any additional fee for the performance of those services;
 - (b) Receive compensation from the Department for the performance of those services;
 - (c) Accept applications for the renewal of registration of a motor vehicle;
- or
- (d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

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

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

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

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

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

Sec. 3. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

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

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378, 482.379 or 482.37901, **or section 1 of this act**, without the approval of the person.

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

5. Every license plate must have displayed upon it:

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

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

- (a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (f) of subsection 2 of that section; and
- (b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 4. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

- (a) Five Legislators appointed by the Legislative Commission:

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

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

- (b) Three nonvoting members consisting of:

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

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

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

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

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

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

5. The Commission shall recommend to the Department that the Department approve or disapprove:

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

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

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

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

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~{ }~~ **or section 1 of this act.**

8. The Commission shall:

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

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 5. NRS 482.367008 is hereby amended to read as follows:

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

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

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

(c) Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

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

number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

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

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

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall provide notice of that fact in the manner described in subsection 6.

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

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

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

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

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

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

Sec. 6. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

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

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

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

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

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~†~~ ***or section 1 of this act.***

Sec. 7. NRS 484B.463 is hereby amended to read as follows:

484B.463 1. Except as otherwise provided in subsection 3, an owner or operator of a motor vehicle displaying a special parking placard, a special parking sticker, a temporary parking placard, a temporary parking sticker or a special plate or plates issued pursuant to NRS 482.384, or a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377, ***or section 1 of this act,*** may park the motor vehicle for not more than 4 hours at any one time in a parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or a person transporting any such person.

2. An owner or operator of a motor vehicle displaying a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377 ***or section 1 of this act*** may, without displaying a special license plate, placard or sticker issued pursuant to NRS 482.384, park in a parking space designated for persons who are handicapped if:

(a) The parking is done by a veteran with a disability; or

(b) A veteran with a disability is a passenger in the motor vehicle being parked.

3. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for parking off the highway without paying the required fee for the time during which the vehicle is so parked.

Sec. 8. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words “Parking,” “Handicapped Parking,” “Handicapped Parking Only” or “Reserved for the Handicapped,” or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating “Minimum fine of \$250 for use by others” or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces, must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of \$250 for violation" or similar words indicating that the minimum fine for parking in such a space is \$250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377 ~~or~~ **or section 1 of this act.**

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

↪ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

↪ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle or motorcycle displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle, or is being picked up or dropped off by the driver of the vehicle or motorcycle, at the time that the vehicle or motorcycle is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of \$250.

(b) Upon the second offense, by a fine of \$250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than \$500, but not more than \$1,000 and not less than 25 hours, but not more than 100 hours, of community service.

~~{Sec. 7}~~ **Sec. 9.** As soon as practicable after July 1, 2015, the Department of Motor Vehicles shall design the special license plates described in section 1 of this act in cooperation with interested parties.

~~{Sec. 8}~~ **Sec. 10.** This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 6 revises the provisions of Assembly Bill 103 to provide that a veteran who is eligible for a Silver Star or Bronze Star Medal special license plate and who, as a result of his or her service, has suffered a 100 percent, service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates. Additionally, the amendment provides that a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the state or any political subdivision or other public body within the state, other than the United States.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 163.

~~{Assemblywoman}~~ **Assemblywomen** Bustamante Adams **and Neal**

AN ACT relating to economic development; revising the membership of the Regional Business Development Advisory Council for Clark County; providing that certain entities participating in the Council are nonvoting members; revising provisions relating to certain reports submitted to the Council; clarifying the requirement that the Council submit certain reports to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2003, the Nevada Legislature created by special act the Regional Business Development Advisory Council for Clark County for the purpose of addressing the economic development of local businesses owned and operated by certain disadvantaged persons. (Chapter 7, Statutes of Nevada 2003, 20th Special Session, p. ~~{267}~~ **268**) Pursuant to existing law, membership of the Council consists of representatives from: (1) certain governmental entities and private nonprofit entities that are required to participate; and (2) certain other governmental, private and nonprofit entities that request to participate in the Council. (Section 15 of chapter 7, Statutes of Nevada 2003, 20th Special Session, p. 268) **Section 1** of this bill amends the membership of the Council to: (1) eliminate the representatives from the Housing Authority of the City of Las Vegas, Housing Authority of the City of North Las Vegas, Clark County Health District, Clark County Housing Authority, Clark County Sanitation District, the Las Vegas Urban Chamber of Commerce and the Hispanic Business Roundtable; and (2) add

representatives from the Southern Nevada Health District and the Southern Nevada Regional Housing Authority. **Section 1** also provides that representatives of the entities that request to participate in the Council are nonvoting members.

Existing law requires those governmental entities which are required to participate in the membership of the Council to report annually to the Council certain information regarding the expenditures of the entities and their efforts to encourage the economic development of businesses owned by disadvantaged persons. (Section 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, p. 269) **Section 2** of this bill amends the reporting requirement.

Existing law requires the Council to submit a biennial report to the Director of the Legislative Counsel Bureau. (Section 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, p. 269) **Section 2** further clarifies that the biennial report is submitted to the Director for transmittal to the next regular session of the Legislature.

Existing law generally provides that any provision of state legislation enacted or revised after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must expire by limitation 5 years after the effective date of the addition or revision of the requirement. (NRS 218D.380) **Section 3** of this bill provides that this provision does not apply to the reporting requirements of the Council.

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

Section 1. Section 15 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 268, is hereby amended to read as follows:

Sec. 15. 1. The Regional Business Development Advisory Council for Clark County is hereby created. Except as otherwise provided in subsection 2, the Council consists of a single representative from each of the following entities:

- (a) City of Henderson.
- (b) Henderson Library District.
- (c) City of Las Vegas.
- (d) ~~[(Housing Authority of the City of Las Vegas.~~
- ~~[(e)]~~ City of North Las Vegas.
- ~~[(f)]~~ ~~[(Housing Authority of the City of North Las Vegas.~~
- ~~[(g)]~~ (e) Clark County.
- ~~[(h)]~~ ~~[(Clark County Health District.~~
- ~~[(i)]~~ ~~[(Clark County Housing Authority.~~
- ~~[(j)]~~ (f) Clark County Regional Flood Control District.
- ~~[(k)]~~ ~~[(Clark County Sanitation District.~~
- ~~[(l)]~~ (g) Clark County Water Reclamation District.
- ~~[(m)]~~ (h) Clark County School District.

- ~~[(n)]~~ (i) College of Southern Nevada.
- ~~[(o)]~~ (j) Las Vegas-Clark County Library District.
- ~~[(p)]~~ (k) Las Vegas Convention and Visitors Authority.
- ~~[(q)]~~ (l) Las Vegas Valley Water District.
- ~~[(r)]~~ (m) Regional Transportation Commission of Southern Nevada.
- ~~[(s)]~~ (n) ***Southern Nevada Health District.***
- (o) ***Southern Nevada Regional Housing Authority.***
- (p) Southern Nevada Water Authority.
- ~~[(t)]~~ (q) University Medical Center of Southern Nevada.
- ~~[(u)]~~ (r) University of Nevada, Las Vegas.
- ~~[(v)]~~ (s) Department of Transportation.
- ~~[(w)] Las Vegas Urban Chamber of Commerce.~~

~~[(x)] Hispanic Business Roundtable.]~~

2. The Board of County Commissioners of Clark County, in consultation with the ~~Las Vegas Urban Chamber of Commerce,~~ ***Council***, shall solicit and encourage participation in the Council by other governmental entities, private nonprofit entities organized to promote business or encourage participation in government, and private entities that employ 500 or more persons. Any such entity that requests to participate ***in the Council*** must be included as a ***nonvoting*** member of the Council.

Sec. 2. Section 20 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 269, is hereby amended to read as follows:

Sec. 20. 1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned ~~for~~ ***and*** operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council ***pursuant to subsection 1 of section 15 of this act*** shall prepare and deliver a written report to the Council ***for the immediately preceding fiscal year*** which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) ~~Capital expenditures]~~ ***Expenditures*** made by the public entity ~~for~~ ***during*** the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of ~~capital]~~ expenditures paid by the public entity to ~~disadvantaged persons or~~ ***local*** businesses owned ~~for managed]~~ ***and operated*** by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting by ~~disadvantaged persons and~~ **local** businesses owned ~~for managed~~ **and operated** by disadvantaged persons and any efforts or programs used by the public entity to encourage the economic development of ~~disadvantaged persons and~~ **local** businesses owned **and operated** by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public ~~for~~ **and** private entity which has a representative on the Council pursuant to subsection 2 of section 15 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the ~~73rd Session~~ **next regular session** of the ~~Nevada~~ Legislature.

Sec. 3. The provisions of NRS 218D.380 do not apply to the reporting requirements of section 20 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 269, as amended by section 2 of this act.

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

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 163 makes minor changes to the language of the bill relating to the reporting requirements from public entities that have representatives on the Council. The amendment also revises the list of sponsors of the bill to include the Assemblywoman from District 7.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 69.

AN ACT relating to displaced homemakers; requiring a person who commences an action for the termination of a domestic partnership in a district court to pay a fee to the county clerk for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of law relating to the education and counseling of displaced

homemakers; **increasing the fee paid to the county clerk for use by the Director;** providing that the member of the Board for the Education and Counseling of Displaced Homemakers who is a displaced homemaker may be a current or former displaced homemaker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to displaced homemakers and the Board for the Education and Counseling of Displaced Homemakers, as recommended by the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Existing law defines a "displaced homemaker" as a person who: (1) is not gainfully employed or has less than full-time or adequate employment; (2) has worked at home for a substantial number of years providing household services to members of his or her family without compensation; (3) has difficulty in securing employment adequate for economic independence; and (4) has been dependent on certain other sources of financial support or assistance that are no longer available. (NRS 388.605)

Existing law requires a person who commences an action for divorce in a district court to pay a fee of \$20 to the county clerk for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of law relating to the education and counseling of displaced homemakers. (NRS 19.033) **Section 1** of this bill **increases the fee to \$30.** **Section 1** additionally requires a person who commences an action for the termination of a domestic partnership in a district court to pay such a fee.

Existing law also provides that the Board for the Education and Counseling of Displaced Homemakers consists of five members appointed by the Governor, one of whom is required to be a displaced homemaker. (NRS 388.615) **Section 2** of this bill provides that the member who is a displaced homemaker may be a current or former displaced homemaker.

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

Section 1. NRS 19.033 is hereby amended to read as follows:

19.033 1. In each county, on the commencement of any action for divorce *or the termination of a domestic partnership* in the district court, the county clerk shall charge and collect, in addition to other fees required by law, a fee of ~~19.033 1. In each county, on the commencement of any action for divorce or the termination of a domestic partnership in the district court, the county clerk shall charge and collect, in addition to other fees required by law, a fee of \$20.~~ **\$30.** The fee must be paid by the party commencing the action.

2. On or before the first Monday of each month, the county clerk shall pay over to the county treasurer an amount equal to all fees collected by the county clerk pursuant to subsection 1, and the county treasurer shall place that amount to the credit of the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of NRS 388.605 to 388.655, inclusive.

3. The board of county commissioners of any county may impose by ordinance an additional filing fee of not more than \$6 to be paid by the defendant in an action for divorce, annulment or separate maintenance. In a county where this fee has been imposed:

(a) On the appearance of a defendant in the action in the district court, the county clerk, in addition to any other fees provided by law, shall charge and collect from the defendant the prescribed fee to be paid upon the filing of the first paper in the action by the defendant.

(b) On or before the fifth day of each month, the county clerk shall account for and pay to the county treasurer all fees collected during the preceding month pursuant to paragraph (a).

Sec. 2. NRS 388.615 is hereby amended to read as follows:

388.615 1. The Board for the Education and Counseling of Displaced Homemakers is hereby created. The Board consists of five members appointed by the Governor, one of whom must be a *current or former* displaced homemaker and one of whom must be representative of business in the State.

2. The Board shall:

(a) At its first meeting and annually thereafter elect a Chair from among its members.

(b) Meet regularly at least once each calendar quarter and at other times upon the call of the Chair.

3. The members of the Board serve without compensation, except that each member of the Board is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid from the account established pursuant to subsection 2 of NRS 19.033.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 69 increases the fee from \$20 to \$30 on the commencement of any action for divorce or termination of a domestic partnership.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

AN ACT relating to juveniles; providing that ~~in a sexually exploited child is a child in need of supervision for the purposes of juvenile court proceedings; revising provisions governing the detention of sexually exploited children; revising provisions governing~~ **under certain circumstances, the** juvenile court ~~proceedings involving sexually exploited children;~~ **must place a**

child who is alleged to have engaged in prostitution or the solicitation of prostitution under the supervision of the juvenile court subject to certain terms and conditions; and providing other matters properly relating thereto.
Legislative Counsel's Digest:

Under existing law, the juvenile court has exclusive jurisdiction over a juvenile: (1) who is alleged or adjudicated to be in need of supervision; or (2) who is alleged or adjudicated to be delinquent because he or she has committed certain crimes. (NRS 62B.320, 62B.330) ~~Sections 1 and 4 of this bill provide that a child who is under the age of 18 years and who engages in or attempts to engage in prostitution or solicitation for prostitution is a sexually exploited child and a child in need of supervision for the purposes of juvenile court proceedings. Section 3 of this bill makes such a child subject to the exclusive jurisdiction of the juvenile court.~~

~~Under existing law, certain children alleged to be in need of supervision are required to be released within 24 hours after being taken into custody and detained. (NRS 62C.050) Section 5 of this bill creates an exception to this requirement for a sexually exploited child.~~

~~Under existing law, if a petition is filed alleging that a child is in need of supervision and the child has not previously been found to be within the jurisdiction of the juvenile court, the juvenile court is required to admonish the child and refer him or her to services available in the community, unless the child is alleged to be a habitual truant. (NRS 62E.410) Section 6 of this bill makes this requirement inapplicable to a child who is alleged to be a sexually exploited child.~~

Existing law authorizes the juvenile court, under certain circumstances, to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency, if the child is alleged to be in need of supervision or to have committed a delinquent act. (NRS 62C.230)

This bill requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. Under this bill, the juvenile court: (1) must order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child; and (2) may issue certain orders, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest. If the child is alleged to have violated the supervision and consent decree or an order of the juvenile court: (1) the allegation must be placed before the court pursuant to a motion or a request for judicial review, except that the district attorney may file a petition alleging that the child committed a delinquent act under certain circumstances; and (2) the court may issue certain orders concerning the child. This bill further requires that the juvenile court, upon successful completion of the terms and conditions of the supervision and consent decree or at the time the child

reaches 18 years of age, whichever is earlier, must dismiss the petition alleging that the child engaged in prostitution or the solicitation of prostitution. However, a child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services pursuant to the decree.

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

~~Section 1. [Chapter 62A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—“Sexually exploited child” means a child who is less than 18 years of age and who is alleged or adjudicated to have engaged or attempted to engage in prostitution or solicitation for prostitution in violation of NRS 201.354.] (Deleted by amendment.)~~

~~Sec. 2. [NRS 62A.010 is hereby amended to read as follows:
—62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 3. [NRS 62B.320 is hereby amended to read as follows:
—62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:
—(a) Is subject to compulsory school attendance and is a habitual truant from school;
—(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;
—(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;
—(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737;
—(e) Transmits or distributes an image of bullying committed against a minor in violation of NRS 200.900;
—(f) Violates a county or municipal ordinance imposing a curfew on a child;
—(g) Violates a county or municipal ordinance restricting loitering by a child; [or]
—(h) Commits an offense related to tobacco [.] ; or
—(i) Is a sexually exploited child.
—2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.~~

~~3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school attendance and is a habitual truant from school.~~

~~4. As used in this section:~~

~~(a) "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:~~

~~(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;~~

~~(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;~~

~~(3) Places the person in reasonable fear of harm or serious emotional distress; or~~

~~(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.~~

~~(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.~~

~~(c) "Sexual image" has the meaning ascribed to it in NRS 200.737.]~~

(Deleted by amendment.)

Sec. 4. ~~[NRS 62B.330 is hereby amended to read as follows:~~

~~62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.~~

~~2. [For] *Except as otherwise provided in subsection 3, for* the purposes of this section, a child commits a delinquent act if the child:~~

~~(a) Violates a county or municipal ordinance other than those specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320 or an offense related to tobacco;~~

~~(b) Violates any rule or regulation having the force of law; or~~

~~(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.~~

~~3. *The provisions of subsection 2 do not apply to a sexually exploited child.*~~

~~4. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:~~

~~(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.~~

~~(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related~~

~~offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:~~

~~— (1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and~~

~~— (2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~— (c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:~~

~~— (1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and~~

~~— (2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~— (d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:~~

~~— (1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and~~

~~— (2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.~~

~~— (e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:~~

~~— (1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or~~

~~— (2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.~~

~~— (f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.] **(Deleted by amendment.)**~~

~~Sec. 5. [NRS 62C.050 is hereby amended to read as follows:~~

~~62C.050 1. Except as otherwise provided in this section, if a child who is alleged to be in need of supervision is taken into custody and detained, the child must be released not later than 24 hours, excluding Saturdays, Sundays~~

and holidays, after the child's initial contact with a peace officer or probation officer to:

- ~~— (a) A parent or guardian of the child;~~
- ~~— (b) Any other person who is able to provide adequate care and supervision for the child; or~~
- ~~— (c) Shelter care.~~

~~2. A child does not have to be released pursuant to subsection 1 if the juvenile court:~~

- ~~— (a) Holds a detention hearing;~~
- ~~— (b) Determines that the child:~~
 - ~~— (1) Has threatened to run away from home or from the shelter;~~
 - ~~— (2) Is accused of violent behavior at home; or~~
 - ~~— (3) Is accused of violating the terms of a supervision and consent decree; and~~
- ~~— (c) Determines that the child needs to be detained to make an alternative placement for the child.~~

~~↳ The child may be detained for an additional 24 hours but not more than 48 hours after the detention hearing, excluding Saturdays, Sundays and holidays.~~

~~3. A child does not have to be released pursuant to this section if the juvenile court:~~

- ~~— (a) Holds a detention hearing; and~~
- ~~— (b) Determines that the child:~~
 - ~~— (1) Is a ward of a federal court or held pursuant to a federal statute;~~
 - ~~— (2) Has run away from another state and a jurisdiction within that state has issued a want, warrant or request for the child; or~~
 - ~~— (3) Is accused of violating a valid court order.~~

~~↳ The child may be detained for an additional period as necessary for the juvenile court to return the child to the jurisdiction from which the child originated or to make an alternative placement for the child.~~

~~4. A child does not have to be released pursuant to this section if the juvenile court:~~

- ~~— (a) Holds a detention hearing; and~~
- ~~— (b) Determines that the child is a sexually exploited child.~~

~~↳ The child may be detained for an additional period as necessary for the juvenile court to make an alternative placement for the child to protect him or her from further exploitation.~~

~~5. For the purposes of this section, an alternative placement must be in a facility in which there are no physical restraining devices or barriers.]~~

(Deleted by amendment.)

Sec. 6. [NRS 62E.410 is hereby amended to read as follows:

~~62E.410 1. If a petition is filed alleging that a child is in need of supervision and the child previously has not been found to be within the purview of this title, the juvenile court:~~

- ~~— (a) Shall admonish the child to obey the law and to refrain from repeating the acts for which the petition was filed;~~

- ~~(b) Shall maintain a record of the admonition;~~
~~(c) Shall refer the child to services available in the community for counseling, behavioral modification and social adjustment; and~~
~~(d) Shall not adjudicate the child to be in need of supervision, unless a subsequent petition based upon additional facts is filed with the juvenile court after admonition and referral pursuant to this subsection.~~
- ~~2. If a child is not subject to the provisions of subsection 1, the juvenile court may not adjudicate the child to be in need of supervision unless the juvenile court expressly finds that reasonable efforts were taken in the community to assist the child in ceasing the behavior for which the child is alleged to be in need of supervision.~~
- ~~3. The provisions of this section do not apply to a child who is alleged to be in need of supervision because the child is a habitual truant [.] or is a sexually exploited child.] (Deleted by amendment.)~~

Sec. 6.5. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the district attorney files a petition with the juvenile court alleging that a child who is less than 18 years of age has engaged in prostitution or the solicitation of prostitution, the juvenile court:

(a) Except as otherwise provided in paragraph (b), shall:

(1) Place the child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency; and

(2) Order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child, including, without limitation, any counseling and medical treatment for victims of sexual assault in accordance with the provisions of NRS 217.280 to 217.350, inclusive.

(b) If the child originated from a jurisdiction outside this State, may return the child to the jurisdiction from which the child originated.

2. If a child is placed under a supervision and consent decree pursuant to this section, the juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest.

3. If a child is alleged to have violated the provisions of a supervision and consent decree under this section or an order issued pursuant to this section:

(a) The district attorney must not file a petition alleging that the child has violated the decree or order and the allegation must be placed before the court pursuant to a motion or a request for judicial review. This paragraph does not prohibit the district attorney from filing a petition alleging that the child has committed a delinquent act.

(b) The juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest.

4. Except as otherwise provided in this subsection, if a child is placed under the supervision of the juvenile court pursuant to a supervision and consent decree under this section, the juvenile court shall dismiss the petition upon the successful completion of the terms and conditions of the supervision and consent decree or at the time the child reaches 18 years of age, whichever is earlier. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services provided under the supervision and consent decree.

Sec. 7. This act becomes effective ~~on July 1, 2016.~~ upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment places a child under the age of 18 who has engaged in prostitution or solicitation for prostitution under the supervision of the juvenile court pursuant to a supervision and consent decree. The juvenile court will require services to address the sexual exploitation and other needs of the child. The court may determine the placement of the child if it is in the child's best interest. Allegations of violations must be brought before the court, and the court may issue certain orders concerning the child. Upon the successful completion of the terms and conditions of the supervision and consent decree or if the child reaches 18 years of age, the court must dismiss the petition alleging that the child engaged in prostitution or this solicitation of prostitution. Lastly, a child who has reached 18 years of age may consent to remain under the supervision of the juvenile court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 164.

Bill read second time.

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

Amendment No. 216.

Assemblymen Ohrenschall, Wheeler, Fiore; Araujo, Armstrong, Diaz, **Dickman**, Gardner, Jones, Moore, Seaman, Shelton, Stewart and Swank

AN ACT relating to public health; authorizing a manufacturer to provide or make available an investigational drug, biological product or device to certain patients under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an investigational drug, biological product or device under certain circumstances; authorizing a physician to prescribe or recommend an investigational drug, biological product or device to certain persons under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients who have a serious or immediately life-threatening illness under certain circumstances. (21 C.F.R. Part 312, Subpart I) Existing Nevada law makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act. (NRS 454.351)

Section 1 of this bill authorizes the manufacturer of an investigational drug, biological product or device to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition **that will, without the administration of life-sustaining treatment, result in death within 1 year** if a physician prescribes or recommends the investigational drug, biological product or device. **Section 1** defines “investigational drug, biological product or device” as a drug, biological product or device that: (1) has successfully completed Phase 1 of a clinical trial; (2) has not been approved by the United States Food and Drug Administration; and (3) is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration. **Section 1** also makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. Additionally, **section 2** of this bill removes the criminal penalty otherwise imposed against a person who engages in certain acts that make an investigational drug or biological product available when certain requirements are met.

Because a prescription or recommendation from a physician is required before a patient may obtain an investigational drug, biological product or device, **sections 3 and 8** of this bill authorize a physician to issue such a prescription or recommendation if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the Food and Drug Administration is adequate to treat the terminal condition; and (3) obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. **Sections 3 and 8 also require such informed, written consent to be provided on a form that contains certain information about the possible consequences of using the investigational drug, biological product or device.** Additionally, **sections 5, 7 and 9** of this bill provide that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous

drug is not subject to professional discipline if the controlled substance or dangerous drug is an investigational drug or biological product prescribed by a physician.

WHEREAS, The process to approve investigational drugs, biological products and devices often takes many years; and

WHEREAS, Patients who have a terminal condition do not have the luxury of waiting until an investigational drug, biological product or device receives final approval from the United States Food and Drug Administration; and

WHEREAS, The standards of the United States Food and Drug Administration for the use of investigational drugs, biological products and devices may deny potentially life-saving treatments to terminal patients; and

WHEREAS, This State recognizes that patients who have a terminal condition have a fundamental right to attempt to pursue the preservation of their own lives by accessing available investigational drugs, biological products and devices; and

WHEREAS, The decision to use an available investigational drug, biological product or device should be made by a patient with a terminal condition in consultation with his or her physician and is not a decision to be made by the government; now, therefore,

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a terminal condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to section 3 or 8 of this act.*

2. *A manufacturer who provides or makes available an investigational drug, biological product or device to a patient pursuant to subsection 1 may:*

(a) *Provide the investigational drug, biological product or device to the patient without charge; or*

(b) *Charge the patient only for the costs associated with the manufacture of the investigational drug, biological product or device.*

3. *An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section.*

4. *A violation of any provision of this section is a misdemeanor.*

5. *As used in this section:*

(a) *“Biological product” has the meaning ascribed to it in 42 U.S.C. § 262.*

(b) *“Investigational drug, biological product or device” means a drug, biological product or device that:*

(1) *Has successfully completed Phase I of a clinical trial;*

(2) *Has not been approved by the United States Food and Drug Administration; and*

(3) *Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.*

(c) *“Terminal condition” ~~has the meaning ascribed to it in NRS 449.590.~~ means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.*

Sec. 2. NRS 454.351 is hereby amended to read as follows:

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the *United States* Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the *United States* Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the *United States* Food and Drug Administration. The exemption granted in this paragraph does not grant authority to transport such a substance out of this State.

(c) *To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an investigational drug or biological product when authorized pursuant to section 1 of this act.*

(d) *To any physician who prescribes or recommends an investigational drug or biological product pursuant to section 3 or 8 of this act.*

3. *As used in this section:*

(a) *“Biological product” has the meaning ascribed to it in section 1 of this act.*

(b) *“Investigational drug or biological product” means a drug or biological product that:*

(1) *Has successfully completed Phase I of a clinical trial;*

(2) *Has not been approved by the United States Food and Drug Administration; and*

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 3. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician may prescribe or recommend an investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a terminal condition;

(b) Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and

(c) Obtained informed, written consent to the use of the investigational drug, biological product or device from:

(1) The patient;

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

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

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:

(a) An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;

(b) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to significantly prolong the life of the patient;

(c) Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;

(d) A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:

(1) A description of the best and worst possible outcomes;

(2) A realistic description of the most likely outcome, in the opinion of the physician; and

(3) A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;

(e) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device;

(f) A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and

(g) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. A physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

~~3.~~ 4. As used in this section:

(a) “Investigational drug, biological product or device” has the meaning ascribed to it in section 1 of this act.

(b) “Terminal condition” has the meaning ascribed to it in ~~[NRS 449.590.]~~ section 1 of this act.

Sec. 4. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to *paragraph (j) of* subsection ~~[10] 1~~ of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee’s patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 5. NRS 630.306 is hereby amended to read as follows:

630.306 **1.** The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~{1-}~~ (a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

~~{2-}~~ (b) Engaging in any conduct:

~~{(a)}~~ (1) Which is intended to deceive;

~~{(b)}~~ (2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

~~{(c)}~~ (3) Which is in violation of a regulation adopted by the State Board of Pharmacy.

~~{3-}~~ (c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

~~{4-}~~ (d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

~~{5-}~~ (e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

~~{6-}~~ (f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

~~{7-}~~ (g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

~~{8-}~~ (h) Habitual intoxication from alcohol or dependency on controlled substances.

~~{9-}~~ (i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

~~{10-}~~ (j) Failing to comply with the requirements of NRS 630.254.

~~{11-}~~ (k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

~~{12-}~~ (l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~{13-}~~ (m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

~~{14-}~~ (n) Operation of a medical facility at any time during which:

~~{(a)}~~ (1) The license of the facility is suspended or revoked; or

~~[(b)]~~ (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This ~~subsection~~ **paragraph** applies to an owner or other principal responsible for the operation of the facility.

~~[(5)]~~ (o) Failure to comply with the requirements of NRS 630.373.

~~[(6)]~~ (p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

~~[(7)]~~ (q) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~[(a)]~~ (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~[(b)]~~ (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~for~~

~~[(c)]~~ (3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~;~~

~~[(8)]~~ ; or

(4) *Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.*

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.

Sec. 6. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:

(a) At the time the holder of a license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false

information in a report constitutes grounds for initiating disciplinary action pursuant to *paragraph (i) of subsection 1* of NRS 630.306.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

8. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry

a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 7. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↳ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~for~~

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[-]~~; *or*

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide-certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 8. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An osteopathic physician may prescribe or recommend an investigational drug, biological product or device to a patient if the osteopathic physician has:

- (a) Diagnosed the patient with a terminal condition;
- (b) Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and
- (c) Obtained informed, written consent to the use of the investigational drug, biological product or device from:
 - (1) The patient;
 - (2) If the patient is incompetent, the representative of the patient; or
 - (3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:

- (a) An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;
- (b) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to significantly prolong the life of the patient;
- (c) Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;
- (d) A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:
 - (1) A description of the best and worst possible outcomes;
 - (2) A realistic description of the most likely outcome, in the opinion of the osteopathic physician; and
 - (3) A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;
- (e) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device;
- (f) A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and

(g) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. An osteopathic physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

~~{3-}~~ 4. As used in this section:

(a) "Investigational drug, biological product or device" has the meaning ascribed to it in section 1 of this act.

(b) "Terminal condition" has the meaning ascribed to it in ~~{NRS 449.590-}~~ section 1 of this act.

Sec. 9. NRS 633.511 is hereby amended to read as follows:

633.511 **1.** The grounds for initiating disciplinary action pursuant to this chapter are:

~~{1-}~~ (a) Unprofessional conduct.

~~{2-}~~ (b) Conviction of:

~~{(a)}~~ (1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~{(b)}~~ (2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

~~{(c)}~~ (3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~{(d)}~~ (4) Murder, voluntary manslaughter or mayhem;

~~{(e)}~~ (5) Any felony involving the use of a firearm or other deadly weapon;

~~{(f)}~~ (6) Assault with intent to kill or to commit sexual assault or mayhem;

~~{(g)}~~ (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

~~{(h)}~~ (8) Abuse or neglect of a child or contributory delinquency; or

~~{(i)}~~ (9) Any offense involving moral turpitude.

~~{3-}~~ (c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

~~{4-}~~ (d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

~~{5-}~~ (e) Professional incompetence.

~~{6-}~~ (f) Failure to comply with the requirements of NRS 633.527.

~~{7-}~~ (g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

~~{8-}~~ (h) Failure to comply with the provisions of NRS 633.694.

~~{9.}~~ (i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~{a.}~~ (1) The license of the facility is suspended or revoked; or

~~{b.}~~ (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This ~~subsection~~ **paragraph** applies to an owner or other principal responsible for the operation of the facility.

~~{10.}~~ (j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

~~{11.}~~ (k) Signing a blank prescription form.

~~{12.}~~ (l) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~{a.}~~ (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~{b.}~~ (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~for~~

~~{c.}~~ (3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~for~~

~~{13.}~~ ; or

(4) *Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.*

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

~~{14.}~~ (n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

~~{15.}~~ (o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

~~{16.}~~ (p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~{17.}~~ (q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~{18.}~~ (r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

~~{19}~~ (s) Failure to comply with the provisions of NRS 633.165.

~~{20}~~ (t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.

Sec. 10. This act becomes effective upon passage and approval.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblymen Oscarson, Carlton, Ohrenschall, Titus, and Sprinkle.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that a “terminal condition” will result in death within a year and adds a requirement that the patient sign a form acknowledging informed consent of certain provisions.

ASSEMBLYWOMAN CARLTON:

On page 5 of the amendment, it says that the insurance carrier for that patient will include within the document the patient will sign a basic waiver that the insurer would not cover any health issues that might result from this experimental drug. I was wondering if there was any recourse for the patient if it was not a listed side effect of that drug and they would happen to come up with something ancillary. We know insurance companies sometimes have a tendency to deny things. If we are talking about a terminal patient, they do not have time to fight the bureaucracy. What type of recourse would they have to get the care for any ancillary damage that might be done by the drug?

ASSEMBLYMAN OHRENSCHALL:

The lines in the amendment came out of the working group. The Chairman of the Health and Human Services Committee had a working group, and we met with all the stakeholders. The key words in line 40 on page 5 of the amendment are a statement that the health insurer of the patient “may not be required.” This is something I asked our legal counsel about. This is not establishing a new statutory basis saying the experimental medication will not be covered, but it is, as part of the informed consent, letting the terminally ill patient know that the medication may not be covered. So the way I understand the amendment—and the way I believe the working group understood the amendment—was that while it could be covered, we are not imposing a regulation on the insurance company that they have to cover it, especially if it is not in their formulary. It has made it through the first phases of the FDA trials processes, but it has not made it all the way through. We are certainly not prohibiting its coverage, and we are not providing any cover for an insurer not to cover it, but we are certainly letting the patient know that it may not be covered if they choose to go that route.

ASSEMBLYWOMAN CARLTON:

It is more in the section of “. . . that future benefits under the policy of insurance covering the patient may be affected by the patient’s use of that investigational drug, biological product, or device.” Even though it may be an ancillary issue, I would hate to see them end up in the emergency room one evening, have the insurance company say Well, that was a side effect of the drug. It could have been a side effect of the disease, and they end up with a huge emergency room bill. We know in terminally ill cases, you can hit \$500,000 lickety-split, and I would hate to see those patients and their families have their financial future at risk because of just a simple disclosure. We know what happens when you are desperate—you will sign anything.

ASSEMBLYMAN OHRENSCHALL:

I, too, share those concerns, and that is not something I would want to see. However, I feel the language we came up with would not allow that to happen. If I am mistaken, I am certainly open to further amendment.

ASSEMBLYWOMAN TITUS:

Just a point of clarification. During this working group, I, too, had extreme concern about unknown side effects of these medications. Because we do not know what the side effects might be, would the insurance companies then not cover a patient who shows up at the emergency room with some unknown condition related to the drug? Would they say Oh, but you took this experimental drug? The concern was whether they violated the warranty if they chose to take the experimental drug. It was at my insistence that it be clear in the informed consent, before they take this medication, that there is a possibility that the insurance companies might do that. It was really all about informed consent so there were no surprises. The insurance companies were at the table. They wanted us to actually mandate that they did not have to cover it, and we would not accept that. We wanted to make sure. It very well may be covered under the Affordable Care Act. We wanted to make sure that patients were informed; it had to be in writing. In my mind, it was to protect the patients.

ASSEMBLYMAN SPRINKLE:

I want to concur with that. I was another one of the leaders of this working group, and there was a consensus on this amendment. We wanted to get everyone in that room to agree about what we needed to have in the liability statement and sign off on it.

ASSEMBLYMAN OSCARSON:

I want to echo the comments of my colleagues. This was bipartisan support of two bills that got combined into one. There was a lot of effort and time taken to put this together and put the right words in the right places. I appreciate all the effort that went into the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 167.

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies must not prohibit graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; **requiring the State Board to submit a report to the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. (NRS 444.650)

Section 6 of this bill requires the State Board of Health to adopt regulations concerning graywater systems for a single-family residence, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. **Section 4** of this bill defines "graywater system" to mean any

system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

Section 6 provides that the regulations adopted by the State Board of Health or a district board of health must: (1) prohibit graywater systems here certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the use of a graywater system. **Section 6** allows issuance of such a permit only if certain requirements are met. Finally, **section 6** provides that local governments may not prohibit the use of such graywater systems.

Section 8 of this bill provides that the State Environmental Commission may not require a person to obtain a permit under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

Section 11 of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) **Section 11** also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

Section 12 of this bill requires the State Board of Health to submit to the Legislature a report stating the number and location of each permit issued pursuant to section 6 for the operation of a graywater system.

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

Section 1. NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

- (a) To define and control dangerous communicable diseases.
- (b) To prevent and control nuisances.
- (c) To regulate sanitation and sanitary practices in the interests of the public health.
- (d) To provide for the sanitary protection of water and food supplies.
- (e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, *and sections 3 to 6, inclusive, of this act*, 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.
- (f) To protect and promote the public health generally.
- (g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, *and sections 3 to 6, inclusive, of this act*, those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local

ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

- (a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and
- (b) The variance, if granted, would not:
 - (1) Cause substantial detriment to the public welfare; or
 - (2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

Sec. 2. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. *As used in NRS 444.650 and sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Graywater system” means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.*

Sec. 5. *“Recycled water” means water that has been used and subsequently treated to make it suitable for use again.*

Sec. 6. 1. *The State Board of Health shall adopt regulations concerning the use of graywater systems. Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems in that district.*

2. *Except as otherwise provided in subsection ~~4~~ 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems:*

(a) Must prohibit the use of a graywater system in any area of the State where there is:

(1) The reasonable potential for return flow to a river system or a lake;

(2) A requirement for return flow of effluent to a river system; or

(3) An existing alternative program for recycled water;

(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for the use of a graywater system; and

(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

3. *Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns,*

leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or a residential individual system for the disposal of sewage;

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitos or other vectors;

(c) The graywater is vertically separated from and at least 4 feet above the groundwater table;

(d) All piping for the graywater is clearly identified as containing nonpotable water;

(e) The graywater is used on the site where it is generated and does not run off the property;

(f) The graywater is applied in a manner that prevents contact with people or domestic pets;

(g) The application of the graywater is managed to prevent standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

(h) The graywater is discharged below the surface of the ground;

(i) The graywater is not discharged into a natural watercourse; ~~and~~

(j) If the application is for a permit for a residence that is or will be connected to a treatment works, the proposed operator of the graywater system has conducted an analysis of the possible effect of the graywater system on the treatment works and has reported the results of the analysis, including, without limitation, any finding that the graywater system will be detrimental to the flow of or total suspended solids in water passing through the treatment works, to the State Board of Health or a district board of health, as applicable; and

(k) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

5. A district board of health which adopts regulations concerning graywater systems shall consider and take into account the geologic, hydrological and topographical characteristics of the area within its jurisdiction.

6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the use of a graywater system that meets the requirements of this section.

7. As used in this section, "treatment works" has the meaning ascribed to it in NRS 445A.410.

Sec. 7. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for *the* disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for *the* disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act* and any regulations adopted pursuant to those provisions.

~~4. As used in this section, “residential individual system for disposal of sewage” means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single family residential use.]~~

Sec. 8. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the use of a graywater system if the person has obtained a permit that meets the requirements of section 6 of this act.

2. As used in this section, “graywater system” has the meaning ascribed to it in section 4 of this act.

Sec. 9. NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

Sec. 10. NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act*, including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act*, to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system’s noncompliance with any

regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~[]~~, **and section 8 of this act.**

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, **and section 8 of this act**, the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

Sec. 11. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act, the governing documents of an association may prohibit or restrict the use of a graywater system within the common-interest community.*

2. *If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest community must comply with the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act.*

3. *As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.*

Sec. 12. On or before December 31, 2020, the State Board of Health shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report which must include, without limitation, the number of permits issued pursuant

to section 6 of this act and the regulations adopted pursuant thereto and the location for which each such permit was issued.

Sec. 13. This act becomes effective:

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

2. On July 1, 2016, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This Amendment adds a provision that if the application for a graywater system permit is for a residence connected to a treatment works, that an analysis of the possible effect of the graywater system must be conducted and results reported to the State Board of Health before a permit may be issued. Further, the State Board of Health is required to submit to the Legislature a report stating the number and location of each permit issued for the operation of a graywater system. The effective date has changed to passage and approval for purposes of adopting regulations and July 1, 2016, for all other purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 235.

AN ACT relating to real property; requiring the grantee to whom real property is conveyed under an agreement for a deed in lieu of a foreclosure sale to record the conveyance within 30 days after the date of the conveyance; providing that a grantee who fails to record such a conveyance is liable for certain damages and attorney's fees and costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill: (1) requires the grantee of real property under an agreement for a deed in lieu of a foreclosure sale to record the conveyance with the appropriate office of the county recorder within 30 days after the date of the conveyance; and (2) makes the grantee liable for attorney's fees and costs and for certain damages for failure to record such a conveyance.

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *After the conveyance of real property pursuant to an agreement for a deed in lieu of a foreclosure sale, the grantee shall, within 30 days after the date of the conveyance, record the conveyance by recording a deed in the office of the county recorder of the county in which the property is located.*

2. *If the grantee fails to record a deed pursuant to subsection 1, the grantee is liable in a civil action:*

(a) *To a grantor of the deed in lieu of foreclosure or any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and*

(b) *For any actual damages caused by the failure to comply with the provisions of subsection 1 and for reasonable attorney's fees and the costs of bringing the action.*

Sec. 2. NRS 107A.200 is hereby amended to read as follows:

107A.200 "Submit for recording" means to submit a document complying with applicable legal standards, with required fees and taxes, to the appropriate governmental office pursuant to NRS 111.310 to 111.365, inclusive ~~[]~~, *and section 1 of this act.*

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This Amendment adds to the bill that the grantee is liable for attorney's fees and costs and for certain damages for failure to record a conveyance of real property to the grantor of the deed in lieu of foreclosure.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 174.

AN ACT relating to motor vehicles; revising provisions governing the requirements for **special license plates**, a special parking placard **or a special parking sticker** issued by the Department of Motor Vehicles to certain persons with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles is authorized to issue **special license plates**, a special **or temporary** parking placard **or a special or temporary parking sticker** to a person with a permanent disability, ~~or~~ a person with a disability of moderate duration **or a person with a temporary disability** who applies for such a **plate, placard ~~[]~~ or sticker**. Such a ~~[special parking]~~ **plate, placard or sticker** is required to have on it the international symbol of access, an identification number, an expiration date and the seal or other identification of the Department. ~~[, and must have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of a vehicle.]~~ **A city or county**

may also issue such a temporary parking placard or a temporary parking sticker. Upon issuance of such a plate, placard or sticker, the Department or the city or county, as applicable, must issue a letter to the applicant that sets forth the name of the person with the disability and certain other information. (NRS 482.384) **Section 1** of this bill requires that such a ~~[special parking placard]~~ **letter issued by the Department or a city or county, as applicable,** also contain the photograph of the holder of the placard that appears on the driver's license **or identification card, if any,** of the holder. ~~[Each such placard must also include a removable sleeve, designed to cover the portion of the placard where the photograph is located, which obscures the photograph from view.]~~ **Sections 2 and 3** of this bill require the owner or operator of a motor vehicle displaying such a **plate, placard or sticker** to ~~[remove the sleeve]~~ **present the letter** upon the request of a police officer or certain volunteers appointed by a local law enforcement agency to enforce handicapped parking provisions.

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

Section 1. NRS 482.384 is hereby amended to read as follows:

482.384 1. Upon the application of a person with a permanent disability, the Department may issue special license plates for a vehicle, including a motorcycle, registered by the applicant pursuant to this chapter. The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability. The issuance of a special license plate to a person with a permanent disability pursuant to this subsection does not preclude the issuance to such a person of a special parking placard for a vehicle other than a motorcycle or a special parking sticker for a motorcycle pursuant to subsection 6.

2. Every year after the initial issuance of special license plates to a person with a permanent disability, the Department shall require the person to renew the special license plates in accordance with the procedures for renewal of registration pursuant to this chapter. The Department shall not require a person with a permanent disability to include with the application for renewal a statement from a licensed physician certifying that the person is a person with a permanent disability.

3. Upon the application of an organization which provides transportation for a person with a permanent disability, disability of moderate duration or temporary disability, the Department may issue special license plates for a vehicle registered by the organization pursuant to this chapter, or the Department may issue special parking placards to the organization pursuant to this section to be used on vehicles providing transportation to such persons. The application must include a statement from the organization certifying that:

(a) The vehicle for which the special license plates are issued is used primarily to transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities; or

(b) The organization which is issued the special parking placards will only use such placards on vehicles that actually transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities.

4. The Department may charge a fee for special license plates issued pursuant to this section not to exceed the fee charged for the issuance of license plates for the same class of vehicle.

5. Special license plates issued pursuant to this section must display the international symbol of access in a color which contrasts with the background and is the same size as the numerals and letters on the plate.

6. Upon the application of a person with a permanent disability or disability of moderate duration, the Department may issue:

(a) A special parking placard for a vehicle other than a motorcycle. Upon request, the Department may issue one additional placard to an applicant to whom special license plates have not been issued pursuant to this section.

(b) A special parking sticker for a motorcycle.

↪ The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability or disability of moderate duration.

7. A special parking placard issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a blue background;

(b) Have an identification number and date of expiration of:

(1) If the special parking placard is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking placard is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance;

(c) ~~Have placed on it the photograph of the holder of the special parking placard which appears on the driver's license of the holder;~~

~~(d) Have a removable sleeve, designed to cover only the portion of the placard where the photograph of the holder required pursuant to paragraph (c) is located, and sufficient to obscure the photograph from the view of any person viewing the placard;~~

~~(e) Have placed or inscribed on it the seal or other identification of the Department; and~~

(d) ~~(f)~~ Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

8. A special parking sticker issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which complies with any applicable federal standards, is centered on the sticker and is white on a blue background;

(b) Have an identification number and a date of expiration of:

(1) If the special parking sticker is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking sticker is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance; and

(c) Have placed or inscribed on it the seal or other identification of the Department.

9. Before the date of expiration of a special parking placard or special parking sticker issued to a person with a permanent disability or disability of moderate duration, the person shall renew the special parking placard or special parking sticker. If the applicant for renewal is a person with a disability of moderate duration, the applicant must include with the application for renewal a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk, and that such disability, although not irreversible, is estimated to last longer than 6 months. A person with a permanent disability is not required to submit evidence of a continuing disability with the application for renewal.

10. The Department, or a city or county, may issue, and charge a reasonable fee for, a temporary parking placard for a vehicle other than a motorcycle or a temporary parking sticker for a motorcycle upon the application of a person with a temporary disability. Upon request, the Department, city or county may issue one additional temporary parking placard to an applicant. The application must include a certificate from a licensed physician indicating:

(a) That the applicant has a temporary disability; and

(b) The estimated period of the disability.

11. A temporary parking placard issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a red background;

(b) Have an identification number and a date of expiration; and

(c) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

12. A temporary parking sticker issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the sticker and is white on a red background; and

(b) Have an identification number and a date of expiration.

13. A temporary parking placard or temporary parking sticker is valid only for the period for which a physician has certified the disability, but in no case longer than 6 months. If the temporary disability continues after the period for which the physician has certified the disability, the person with the temporary disability must renew the temporary parking placard or temporary parking sticker before the temporary parking placard or temporary parking sticker expires. The person with the temporary disability shall include with the application for renewal a statement from a licensed physician certifying

that the applicant continues to be a person with a temporary disability and the estimated period of the disability.

14. A special or temporary parking placard must be displayed in the vehicle when the vehicle is parked by hanging or attaching the placard to the rearview mirror of the vehicle. If the vehicle has no rearview mirror, the placard must be placed on the dashboard of the vehicle in such a manner that the placard can easily be seen from outside the vehicle when the vehicle is parked.

15. Upon issuing a special license plate pursuant to subsection 1, a special or temporary parking placard, or a special or temporary parking sticker, the Department, or the city or county, if applicable, shall issue ~~to~~ an authorization letter to the applicant that includes the photograph of the applicant which appears on the driver's license or identification card, if any, of the applicant who is the person with a disability, and sets forth the name and address of the person with a permanent disability, disability of moderate duration or temporary disability to whom the special license plate, special or temporary parking placard or special or temporary parking sticker has been issued and:

(a) If the person receives special license plates, the license plate number designated for the plates; and

(b) If the person receives a special or temporary parking placard or a special or temporary parking sticker, the identification number and date of expiration indicated on the placard or sticker.

↪ The authorization letter, or a legible copy thereof, must be kept with the vehicle for which the special license plate has been issued or in which the person to whom the special or temporary parking placard or special or temporary parking sticker has been issued is driving or is a passenger.

16. A special or temporary parking sticker must be affixed to the windscreen of the motorcycle. If the motorcycle has no windscreen, the sticker must be affixed to any other part of the motorcycle which may be easily seen when the motorcycle is parked.

17. Special or temporary parking placards, special or temporary parking stickers, or special license plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

18. No person, other than the person certified as being a person with a permanent disability, disability of moderate duration or temporary disability, or a person actually transporting such a person, may use the special license plate or plates or a special or temporary parking placard, or a special or temporary parking sticker issued pursuant to this section to obtain any special parking privileges available pursuant to this section.

19. Any person who violates the provisions of subsection 18 is guilty of a misdemeanor.

20. The Department may review the eligibility of each holder of a special parking placard, a special parking sticker or special license plates, or any

combination thereof. Upon a determination of ineligibility by the Department, the holder shall surrender the special parking placard, special parking sticker or special license plates, or any combination thereof, to the Department.

21. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2. NRS 484B.463 is hereby amended to read as follows:

484B.463 1. Except as otherwise provided in subsection ~~3~~ **4**, an owner or operator of a motor vehicle displaying a special parking placard, a special parking sticker, a temporary parking placard, a temporary parking sticker or a special plate or plates issued pursuant to NRS 482.384, or a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377, may park the motor vehicle for not more than 4 hours at any one time in a parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or a person transporting any such person.

2. An owner or operator of a motor vehicle displaying a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377 may, without displaying a special license plate, placard or sticker issued pursuant to NRS 482.384, park in a parking space designated for persons who are handicapped if:

(a) The parking is done by a veteran with a disability; or

(b) A veteran with a disability is a passenger in the motor vehicle being parked.

3. ***An owner or operator of a motor vehicle displaying a special license plate or plates, a special or temporary parking placard or a special or temporary parking sticker that has been issued pursuant to ~~subsection 6 of~~ NRS 482.384 shall, if requested by a police officer or a volunteer appointed pursuant to NRS 484B.470, ~~remove the sleeve covering the photograph on the placard~~ present the authorization letter issued pursuant to subsection 15 of NRS 482.384 so that the police officer or volunteer may view the photograph.***

4. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for parking off the highway without paying the required fee for the time during which the vehicle is so parked.

Sec. 3. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of \$250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces, must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of \$250 for violation" or similar words indicating that the minimum fine for parking in such a space is \$250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377.

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are

handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

- (a) The person is eligible to do so;
- (b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and
- (c) The vehicle is equipped with a side-loading wheelchair lift.

↪ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

↪ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle or motorcycle displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle, or is being picked up or dropped off by the driver of the vehicle or motorcycle, at the time that the vehicle or motorcycle is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. *An owner or operator of a motor vehicle displaying a special license plate or plates, a special or temporary parking placard or a special or temporary parking sticker that has been issued pursuant to ~~subsection 6 of~~ NRS 482.384 shall, if requested by a police officer or a volunteer appointed pursuant to NRS 484B.470, ~~remove the sleeve covering the~~*

~~photograph on the placard~~ **present the authorization letter issued pursuant to subsection 15 of NRS 482.384 so that the police officer or volunteer may view the photograph.**

11. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of \$250.

(b) Upon the second offense, by a fine of \$250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than \$500, but not more than \$1,000 and not less than 25 hours, but not more than 100 hours, of community service.

Sec. 3.5. As soon as practicable after the passage and approval of this act, upon determining that sufficient resources are available to carry out the amendatory provisions of this act, the Director of the Department of Motor Vehicles shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 4. This act becomes effective:

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

2. ~~On January 1, 2016, for~~ **For** all other purposes ~~for~~, **on the date on which the Director of the Department of Motor Vehicles, pursuant to section 4 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to carry out the amendatory provisions of this act.**

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 174 makes the following changes to A.B. 204. It removes the requirement that the photograph of a holder of a special parking placard be placed on that placard. It requires that an authorization letter which is issued with a special license plate, placard, or sticker by the Department of Motor Vehicles or a city or county contain the photograph of the holder of the special license plate, placard, or sticker that appears on the persons driver's license or identification card. It requires the owner or operator of a motor vehicle displaying a special license plate, placard, or sticker to present the authorization letter to a law enforcement representative upon request. The amendment changes part of the effective date from January 1, 2016, to the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

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

Amendment No. 223.

AN ACT relating to elections; creating the Legislative Advisory Commission on Reapportionment and Redistricting to assist the Legislature with reapportionment; requiring the Advisory Commission to meet by a specified time after each decennial census to develop proposed reapportionment plans for congressional districts, state legislative districts, state election districts for the Board of Regents of the University of Nevada and certain other state election districts; authorizing the Legislative Commission to convene the Advisory Commission under certain circumstances if there is a need to develop new reapportionment plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the United States Constitution, each state legislature has been delegated the authority to regulate the times, places and manner of holding elections for the state's Representatives in Congress, which includes the power to establish by law congressional districts for their election. (U.S. Const. Art. I, § 4; *Smiley v. Holm*, 285 U.S. 355, 362-73 (1932)) This delegated authority requires each state legislature to apportion the state's Representatives in Congress among congressional districts according to population. (U.S. Const. Art. I, § 2; 2 U.S.C. § 2c; *Tennant v. Jefferson County Comm'n*, 133 S. Ct. 3, 5 (2012)) To account for changes or shifts in a state's population over time, the state legislature must reapportion the state's congressional districts following each decennial census of the United States. (2 U.S.C. § 2a; 13 U.S.C. § 141; *Franklin v. Massachusetts*, 505 U.S. 788, 791-92 (1992); *Georgia v. Ashcroft*, 539 U.S. 461, 488 n.2 (2003)) When the state legislature reapportions the state's congressional districts, the districts generally must consist of equal population, as nearly as is practicable, so that each person's vote is given equal weight to comply with the one-person, one-vote principle embraced by Article I, Section 2 of the United States Constitution. (*Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964); *Karcher v. Daggett*, 462 U.S. 725, 730-31 (1983); *Tennant v. Jefferson County Comm'n*, 133 S. Ct. 3, 5 (2012))

In addition, after each decennial census of the United States, the Nevada Constitution requires the Legislature to fix by law the number of members of the Senate and Assembly and apportion them among the state's legislative districts according to population. (Nev. Const. Art. 1, § 13, Art. 4, § 5, Art. 15, § 13) The Nevada Constitution also requires that the number of members of the Senate must not be less than one-third nor more than one-half of the number of members of the Assembly and that the aggregate number of members of both Houses must not exceed 75 total members. (Nev. Const. Art. 4, § 5, Art. 15, § 6) When the Legislature reapportions the state's legislative districts, the districts generally must consist of equal population, as nearly as is practicable, so that each person's vote is given equal weight to

comply with the one-person, one-vote principle embraced by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. (U.S. Const. Amend. XIV, § 1; *Reynolds v. Sims*, 377 U.S. 533, 561-68 (1964); *Connor v. Finch*, 431 U.S. 407, 416 (1977))

Finally, the Nevada Constitution requires the Legislature to provide for the election of the members of the Board of Regents of the University of Nevada, and the Legislature has provided by law for their election from districts apportioned according to population. (Nev. Const. Art. 11, § 7; NRS 396.040) When the members of a governing board are elected from districts apportioned according to population, the districts must be apportioned based on the same principles that apply to the apportionment of legislative districts. (*Hadley v. Junior College Dist.*, 397 U.S. 50, 51-59 (1970)) As a result, when the Legislature reapportions the districts for members of the Board of Regents, the districts generally must consist of equal population, as nearly as is practicable, so that each person's vote is given equal weight to comply with the one-person, one-vote principle embraced by the Equal Protection Clause. (*Tam v. Colton*, 94 Nev. 452, 458-59 (1978))

This bill creates the Legislative Advisory Commission on Reapportionment and Redistricting to assist the Legislature with reapportionment by preparing and submitting proposed reapportionment plans for consideration by the Legislature. **Section 6** of this bill defines the term "reapportionment plan" as a plan for reapportioning congressional districts, state legislative districts, state election districts for the Board of Regents and certain other state election districts.

Section 7 of this bill provides that the Advisory Commission consists of ~~five~~ **four** members appointed by ~~the following appointing authorities: (1) the Chief Justice of the Nevada Supreme Court; (2)~~ the Majority and Minority Leaders of the Senate ~~and~~ ~~(3)~~ the Speaker and Minority Leader of the Assembly. **Section 7** prohibits a person from serving as a member of the Advisory Commission if the person holds an elective office. **Section 7** also provides that for a period of 5 years, a former member is not eligible to be a candidate for or hold an office that is elected from any district for which the Advisory Commission is authorized to develop a reapportionment plan. However, this restriction does not apply to the office of Representative in Congress because the states do not have the power to fix qualifications for service in Congress. (*U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 782-827 (1995))

Section 8 of this bill establishes procedural requirements for the operation of the Advisory Commission and also provides that the members serve without compensation but are entitled to receive from the Legislative Fund per diem allowances and travel expenses while engaged in the business of the Advisory Commission.

Section 9 of this bill directs the Legislative Counsel Bureau to provide the Advisory Commission with staff and legal, technical and other appropriate

services. **Section 9** also provides that when carrying out their duties, the members and staff of the Advisory Commission are entitled to the same rights, privileges and immunities recognized by law for the members and staff of the Legislature when carrying out their legislative duties and functions.

Section 10 of this bill contains requirements relating to the meetings of the Advisory Commission, including receiving public testimony, considering reapportionment plans and maps submitted by the public and making the Advisory Commission's reapportionment plans and maps available for public review and comment. **Section 10** also gives the Advisory Commission the same investigative powers as other interim legislative committees.

Section 11 of this bill requires the Advisory Commission to develop reapportionment plans using certain guidelines and to apply the guidelines in a manner that is impartial and reinforces public confidence in the integrity of the reapportionment process.

Under existing federal law, the Secretary of Commerce must conduct the next decennial census on April 1, 2020, and every 10 years thereafter. (13 U.S.C. § 141(a)) The Secretary of Commerce must report the data from the decennial census to the governor of each state as expeditiously as possible but not later than 1 year after the date of the decennial census. (13 U.S.C. § 141(c))

Section 12 of this bill requires the members of the Advisory Commission to be appointed during the regular session immediately preceding each even-numbered year in which a decennial census is conducted and to meet not later than July 1 of the year in which the decennial census is conducted.

Section 13 of this bill requires the Advisory Commission to submit **as soon as practicable** during the regular session following the decennial census **three reapportionment plans proposing to the Legislature three different options for all districts. However, if the data from the decennial census is not reported by the Secretary of Commerce to the Governor until after the commencement of the regular session, the Advisory Commission must submit the reapportionment plans not later than 15 days after the date on which the data from the decennial census is reported by the Secretary of Commerce to the Governor. Because the Secretary of Commerce must report the data to the Governor not later than April 1, the Advisory Commission will be required to submit the reapportionment plans not later than April 16 during the regular session.**

Section 14 of this bill provides that during any period between each decennial census in which the Advisory Commission is not carrying out its duties, the Legislative Commission may convene the Advisory Commission if there is a need to develop reapportionment plans, including, without limitation, because of a decision of a court of competent jurisdiction relating to the validity of the districts.

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

Section 1. Chapter 218B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Advisory Commission” means the Legislative Advisory Commission on Reapportionment and Redistricting created by section 7 of this act.*

Sec. 4. *“Decennial census” means the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the United States Constitution and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).*

Sec. 5. *“District” means an election district included in a reapportionment plan.*

Sec. 6. *“Reapportionment plan” means a plan for reapportioning:*

1. The members of the Legislature among legislative districts for the purposes of this chapter;

2. The Representatives in Congress among congressional districts for the purposes of chapter 304 of NRS;

3. The members of the Board of Regents of the University of Nevada among districts for the purposes of chapter 396 of NRS; or

4. The members of any other state board or state body that, in whole or in part, includes members who are required by law to be elected from districts apportioned according to population, unless the districts are coextensive with any of the other districts set forth in this section.

Sec. 7. 1. *The Legislative Advisory Commission on Reapportionment and Redistricting is hereby created within the Legislative Department.*

2. *The membership of the Advisory Commission consists of ~~five~~ four members as follows:*

(a) ~~One member appointed by the Chief Justice of the Supreme Court of Nevada.~~

~~(b)~~ One member appointed by the Majority Leader of the Senate or the person designated after the general election as the Majority Leader of the Senate for the next regular session.

~~(c)~~ (b) One member appointed by the Minority Leader of the Senate or the person designated after the general election as the Minority Leader of the Senate for the next regular session.

~~(d)~~ (c) One member appointed by the Speaker of the Assembly or the person designated after the general election as the Speaker of the Assembly for the next regular session.

~~[(c)]~~ (d) One member appointed by the Minority Leader of the Assembly or the person designated after the general election as the Minority Leader of the Assembly for the next regular session.

3. A member of the Advisory Commission:

(a) Shall not hold an elective office of the United States, this State or a political subdivision of this State at the time of appointment to or while serving on the Advisory Commission; and

(b) Except as otherwise provided in this paragraph, is not eligible to be a candidate for or hold an office that is elected from any district for which the Advisory Commission is authorized to develop a reapportionment plan for a period of 5 years following the date on which the terms of all members of the Advisory Commission expire pursuant to section 12 or 14 of this act, as applicable, whether or not the member leaves his or her office on the Advisory Commission before that date. The provisions of this paragraph do not apply to the office of Representative in Congress.

4. A vacancy occurring in the membership of the Advisory Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. The terms of the members of the Advisory Commission expire as provided in sections 12 and 14 of this act.

~~Sec. 8. 1. The member of the Advisory Commission appointed by the Chief Justice of the Supreme Court of Nevada pursuant to paragraph (a) of subsection 2 of section 7 of this act shall serve as the Chair of the Advisory Commission.~~

~~2. The~~ members of the Advisory Commission shall elect a Chair and Vice Chair from among the ~~other~~ members. If the position of Chair or Vice Chair becomes vacant, the vacancy must be filled in the same manner for the remainder of the unexpired term.

~~3.]~~ 2. A majority of the members of the Advisory Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Commission.

~~4.]~~ 3. The members of the Advisory Commission serve without compensation. While engaged in the business of the Advisory Commission, each member of the Advisory Commission is entitled to receive from the Legislative Fund the:

(a) Per diem allowance provided for state officers and employees generally; and

(b) Travel expenses provided for Legislators pursuant to NRS 218A.655.

~~5.]~~ 4. A member of the Advisory Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Advisory Commission and perform any work necessary to carry out the duties of the Advisory Commission in the most timely manner practicable. A state agency or political subdivision

of this State shall not require such a person who is a member of the Advisory Commission to:

- (a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Advisory Commission; or*
- (b) Take annual leave or compensatory time for the absence.*

Sec. 9. 1. To the extent of legislative appropriation:

(a) The Legislative Counsel Bureau shall provide the Advisory Commission with such staff and legal, technical and other appropriate services as necessary to carry out the duties of the Advisory Commission.

(b) Each member of the Advisory Commission, and such staff as approved by the Director, shall attend at least one conference or program on reapportionment and redistricting conducted by the National Conference of State Legislatures or another organization approved by the Advisory Commission.

2. When carrying out the duties of the Advisory Commission, the members and staff of the Advisory Commission are entitled to the same rights, privileges and immunities recognized by law for the members and staff of the Legislature when carrying out legislative duties and functions, including, without limitation, the rights, privileges and immunities recognized by the constitutional doctrines of separation of powers and legislative privilege and immunity and statutorily codified in NRS 41.071.

Sec. 10. 1. The Advisory Commission shall:

- (a) Adopt rules for its own management and government.*
- (b) Meet at the call of the Chair or a majority of its members as necessary, within the budget of the Advisory Commission.*
- (c) Conduct its meetings in the same manner as any other legislative committee created by a specific statute to conduct studies or investigations or perform any other legislative business during the legislative interim, including, without limitation:*

(1) Receiving public testimony.

(2) Considering reapportionment plans and maps submitted by the public.

(3) Making the Advisory Commission's reapportionment plans and maps available for public review and comment.

2. When carrying out its duties, the Advisory Commission may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

Sec. 11. 1. The Advisory Commission shall develop reapportionment plans to assist the Legislature with reapportionment.

2. When establishing the districts for each reapportionment plan, the Advisory Commission shall consider the following guidelines:

(a) Districts must comply with the United States Constitution and the Nevada Constitution and with the Voting Rights Act of 1965, 52 U.S.C. §§ 10101 and 10301 et seq., and any amendments thereto.

(b) Districts must consist of equal population, as nearly as is practicable.

(c) *Districts must be geographically contiguous.*

(d) *Districts must be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.*

(e) *Districts must not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.*

(f) *Districts must not be drawn with the intent to favor or disfavor a political party or an incumbent.*

(g) *Where feasible, districts must utilize existing political and geographical boundaries.*

3. *Each member of the Advisory Commission shall apply the guidelines set forth in this section in a manner that is impartial and reinforces public confidence in the integrity of the reapportionment process.*

4. *For each reapportionment plan, the Advisory Commission shall prepare and submit maps that separately set forth the boundary lines for each district that is part of the reapportionment plan.*

Sec. 12. 1. *Not earlier than the commencement of the regular session held in the odd-numbered year immediately preceding the even-numbered year in which a decennial census is conducted, but not later than the adjournment sine die of that regular session, the appointing authorities shall appoint the members of the Advisory Commission.*

2. *After the appointment of the members, the Advisory Commission may meet as necessary, within the budget of the Advisory Commission, to carry out its duties, but the Advisory Commission shall meet to begin the process of preparing reapportionment plans not later than July 1 of the even-numbered year in which a decennial census is conducted.*

3. *The terms of the members of the Advisory Commission expire on the earlier of:*

(a) *The date on which reapportionment plans enacted by the Legislature become law in the odd-numbered year immediately following the even-numbered year in which the decennial census is conducted; or*

(b) *The last day of that odd-numbered year.*

Sec. 13. ~~*Not later than the 30th day of*~~

1. Except as otherwise provided in this section, as soon as practicable during the regular session held in the odd-numbered year immediately following the even-numbered year in which the decennial census is conducted, the Advisory Commission shall submit to the Director for transmittal to the Legislature three reapportionment plans, with appropriate maps, proposing three different options for all districts.

2. If the data from the decennial census is not reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c) until after the commencement of the regular session, the Advisory Commission shall submit the reapportionment plans required by subsection 1 not later than

15 days after the date on which the data from the decennial census is reported by the Secretary of Commerce to the Governor.

Sec. 14. 1. During any period between each decennial census in which the Advisory Commission is not carrying out its duties pursuant to sections 11, 12 and 13 of this act, if there is a need to develop reapportionment plans, including, without limitation, because of a decision of a court of competent jurisdiction relating to the validity of the districts, the Legislative Commission may convene the Advisory Commission to develop reapportionment plans to assist the Legislature with reapportionment.

2. If the Legislative Commission convenes the Advisory Commission pursuant to this section, the Legislative Commission shall:

(a) Direct the appointing authorities to appoint the members of the Advisory Commission by a specified date.

(b) Direct the Advisory Commission to meet by a specified date.

(c) Direct the Advisory Commission to:

(1) Develop reapportionment plans pursuant to section 11 of this act, with appropriate maps, and submit the reapportionment plans and maps to the Director by a specified date for transmittal to the Legislature; and

(2) Take such other actions as the Legislative Commission deems necessary regarding the reapportionment plans and maps.

(d) Determine when the terms of the members of the Advisory Commission expire, except that the terms of the members may not exceed 2 years or extend into the period during which the next succeeding Advisory Commission is carrying out its duties pursuant to sections 11, 12 and 13 of this act.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 252 relates to the Legislative Advisory Commission on Reapportionment and Redistricting. The amendment eliminates that appointment made by the Chief Justice of the Nevada Supreme Court. It permits the members to elect their own chair. The Advisory Commission will submit its plans and maps no later than 15 days after the date that the census data is reported to the Governor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time and ordered to third reading.

Assembly Bill No. 384.

Bill read second time and ordered to third reading.

Assembly Bill No. 422.

Bill read second time and ordered to third reading.

Assembly Bill No. 449.

Bill read second time and ordered to third reading.

Assembly Bill No. 451.

Bill read second time and ordered to third reading.

Assembly Bill No. 457.

Bill read second time.

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

Amendment No. 224.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

This bill revises provisions relating to reports required to be submitted by various governmental entities. **Section 1** of this bill eliminates the requirement for the Court Administrator to submit a separate report relating to certain statistics regarding specialty court programs, and instead requires such statistics to be included in the annual report on court statistics. **Section 1** also eliminates the requirement for the Court Administrator to submit a report containing statistics on cases relating to competency, convictions and malpractice of certain licensed medical professionals. **Sections 15 and 16** of this bill eliminate the requirement that court clerks submit such case statistics to the Office of Court Administrator. **Section 2** of this bill eliminates the requirement that the Supreme Court submit a report containing statistics on the use of arbitration and alternative dispute resolution in the court system.

Section 3 of this bill eliminates the requirements that the Central Repository for Nevada Records of Criminal History submit: (1) an annual report to the Governor containing statistical data relating to crime in this State; and (2) an annual report to the Director of the Legislative Counsel Bureau containing statistical data about domestic violence in this State.

Section 8 of this bill eliminates the requirement that the Director of the Department of Administration submit a semiannual report detailing the royalties charged for the use of The Great Seal of the State of Nevada on medallions.

Section 9 of this bill eliminates the requirement that the Administrator of the Office of Economic Development submit a biennial report evaluating the effectiveness of the programs relating to zones for economic development established pursuant to chapter 274 of NRS. **Section 10** of this bill eliminates the requirement that the Employment Security Division of the Department of Employment, Training and Rehabilitation submit a biennial report relating to the use of the Old-Age and Survivors Insurance System. **Section 11** of this bill eliminates the requirement that the Committee on Local Government

Finance file a biennial report relating to the fiscal impact on counties and incorporated cities of the formula used for tax distribution.

Section 13 of this bill eliminates the requirement that the Division of Public and Behavioral Health of the Department of Health and Human Services submit a report relating to complaints received and disciplinary action taken by the Division.

Section 14 of this bill eliminates the requirement that the Board for the Regulation of Liquefied Petroleum Gas submit a biennial report of the Board's receipts and expenditures and any complaints received by the Board.

Section 17 of this bill eliminates the requirement that the Real Estate Division of the Department of Business and Industry submit a biennial report relating to complaints received and disciplinary action taken by the Division.

~~[Section 18 of this bill repeals a provision requiring the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to submit a quarterly report to the Legislature and Legislative Committee on Health Care regarding transports of persons to a medical facility made by fire departments and ambulance companies in the county.]~~

Section 18 of A.B. No. 457 is hereby amended as follows:

Sec. 18. ~~[NRS 244.2962 is hereby repealed.]~~ **(Deleted by amendment.)**

Amend the bill as a whole by removing the text of repealed section.

†

~~TEXT OF REPEALED SECTION~~

~~244.2962 County commissioners in certain counties to submit reports to Legislature with certain information concerning transport of person to medical facility by each fire department and ambulance service in county. The board of county commissioners of a county whose population is 700,000 or more shall, each calendar quarter, submit a report to the Legislative Committee on Health Care and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must include, without limitation, the following information related to each fire department and ambulance service operating in the county:~~

~~1. The total number of transports of sick or injured persons to a medical facility that were made by the fire department or ambulance service during that calendar quarter;~~

~~2. For each person transported by the fire department or ambulance service during the calendar quarter:~~

~~(a) The fees charged to transport the person to a medical facility;~~

~~(b) Whether the person had health insurance at the time of transport; and~~

~~(c) The name of the medical facility where the fire department or ambulance service transported the person to or from.]~~

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 457 repeals certain obsolete or redundant reports required by statute. Amendment 224 deletes from the bill the repeal of a quarterly report relating to the number of persons transmitted to medical facilities by fire departments and ambulance companies in Clark County.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

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

Assembly in recess at 1:16 p.m.

ASSEMBLY IN SESSION

At 1:20 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 148, 175, 69, 74, and 90 be moved to the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 13, 19, 94, 101, 108, 114, 131, 141, 143, 248, 250, 301, 420, and 456; Senate Bill No. 109 be taken from the General File and placed on the General File for the next legislative day.

GENERAL FILE AND THIRD READING

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblymen Fiore, Kirkpatrick, Seaman, and Jones.

ASSEMBLYWOMAN FIORE:

I rise in strong support of Assembly Bill 148, which allows holders of concealed weapons permits to bring their firearms onto public institutions of higher education in order to protect themselves from criminals. This legislation was inspired by the tragic story of Amanda Collins, a former UNR student and CCW holder who in 2007 was brutally raped in the parking garage less than a hundred feet from the campus police station. Collins was unable to carry her firearm and protect herself due to the campus prohibition. Her assailant escaped and a few weeks later kidnapped, raped, and murdered another victim. Today as I read this statement to you, I have sitting with me Amanda Collins' father, Tom Collins, who is here to watch us vote on this bill.

Sadly, these types of stories are becoming increasingly common at colleges and universities throughout the country. A study sponsored by the Justice Department said that nearly one in five college women will be victims of attempted or completed sexual assault. Both President

Obama and Vice President Biden have mentioned this disturbing statistic this past year. President Obama inserted a video into the Grammy Awards stating that we have a rape crisis here in America. One out of five women are raped. This is why I believe this bill is so important.

Today the Assembly has the chance to pass commonsense legislation that provides responsible gun owners the opportunity to protect themselves. We cannot have a law that leaves women defenseless when they have the ability and the means to stop their attacker. I urge my fellow members, both Republican and Democrat, to please vote yes and approve Assembly Bill 148 today.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Assembly Bill 148. Section 4 of the bill, subsection 4, subsection 5, subsection (c), talks about the definition of a secure area. That is very broad. What it says is that a secure area means “any portion of a public airport to which access is generally controlled through the screening of persons.” That means that anyone could walk through baggage claim and all of these other places within an airport with their guns. Maybe they can do it today. Clark County has 41 million visitors coming to our state every single year, and there are many international travelers who are very bothered by guns. I rise in opposition to that component.

I also oppose the effective date of July 1. I do not believe that gives the Board of Regents any time to get rid of the current system that is in place. Section 3 of the bill is about the current system that would no longer be necessary with the new rules.

As an NRA member for many, many years, I have guns at my home. My husband collects guns. We have great-grandfather’s guns. I think this bill goes a little too far. I think there is an easier way to discuss the campus piece. Session after session we have never really had a discussion about how to make it easier. I do not disagree, as a mother of five daughters, with how important it is to ensure our kids are safe. But we have never talked about paying more money to put more security on our campuses. We have never talked about some of the other options that are available. I respectfully rise in opposition.

ASSEMBLYWOMAN SEAMAN:

I also wish to speak in support of Assembly Bill 148. As a responsible gun owner with a CCW, I am grateful that I, and others like me, will now have the right to protect ourselves on college campuses. I am proud of the work that Amanda Collins and Assemblywoman Fiore have done to bring this important legislation forward.

Responsible, well-regulated gun owners deserve our trust and they deserve the protection this bill will allow them. I will be voting yes on A.B. 148 and I encourage all of you to do likewise.

ASSEMBLYMAN JONES:

I, too, rise in support of Assembly Bill 148. Statistics prove that CCW holders are law abiding, well trained, and do not commit crimes when it comes to guns, generally. This bill will allow CCW holders the same ability to protect themselves on colleges campuses as they currently have when they are in the supermarket, the mall, or any other places where it is legal to have concealed weapons. During the testimony in the Judiciary Committee, we heard from Amanda Collins about how she was raped despite being just mere feet from the campus police station. I believe if Miss Collins had been able to carry her firearm on campus, she would not have been a victim that day. We should not have a law that prevents responsible—and again, I say responsible—law abiding gun owners from defending themselves from criminals.

Roll call on Assembly Bill No. 148:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Spiegel, Sprinkle, Swank, Thompson—15.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.**Bill read third time.****Remarks by Assemblyman Wheeler.****ASSEMBLYMAN WHEELER:**

Assembly bill 175 removes certain legal limitations and expressly provides that failure by a passenger in a taxicab to wear a safety belt may be considered as causation in certain legal actions.

Roll call on Assembly Bill No. 175:

YEAS—25.

NAYS—Armstrong, Benitez-Thompson, Carlton, Diaz, Edwards, Flores, Joiner, Kirner, Neal, Nelson, Ohrenschall, Seaman, Swank, Thompson—14.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 175 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.**Bill read third time.****Remarks by Assemblywoman Diaz.****ASSEMBLYWOMAN DIAZ:**

Assembly Bill 69 makes various changes relating to the Judicial Branch. First, the bill allows greater use of electronic technology, including allowing the Clerk of the Supreme Court to post certain information on the Clerk's website and authorizing justices of the peace and clerks of the district courts to maintain and post their fee books in electronic format. It also authorizes a justice of the peace to keep the docket in written or electronic format. The bill provides that an order issued by a court in another state for protection against domestic violence may be registered in a court of competent jurisdiction in the judicial district where enforcement may be necessary and authorizes a copy of the order to be forwarded by electronic means to the appropriate law enforcement agency. The bill allows the clerk of the court to deliver to the Chief Parole and Probation Officer the records of a case in writing, by electronic means, or by allowing access to an electronic system.

Second, the bill amends provisions requiring district courts, justice courts, and municipal courts to submit statistical information reports to the Court Administrator according to the uniform system for collecting such information.

Third, the measure makes the date for pay over to the county treasurer of fines and forfeited bail consistent with other justice court requirements. Third, the measure makes the date for pay over to the county treasurer of fines and forfeited bail consistent with other justice court requirements.

Fourth, A.B. 69 requires justices of the peace and clerks of the district courts to submit monthly, rather than quarterly, a financial statement of the fees collected by them.

Fifth, the bill removes provisions of existing law requiring a court to forward a copy of an order of bail forfeiture, an order exonerating a surety of a bail bond, and an order setting aside bail forfeiture to the Court Administrator.

Finally, the bill repeals several obsolete sections of *Nevada Revised Statutes*. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 69:

YEAS—39.

NAYS—None.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 74 makes various changes governing the resale of certain utility services by the landlord of a mobile home park or owner of a company town applicable to the landlord of a manufactured home park. The bill also allows landlords of manufactured home parks to forego annual reporting to the Public Utilities Commission of Nevada on the amount tenants are charged for utilities if the tenants of the park obtain those services directly from the utility and not through resale or distribution by the landlord.

Roll call on Assembly Bill No. 74:

YEAS—39.

NAYS—None.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 90 creates the Nevada Intrastate Mutual Aid System within the Division of Emergency Management, Department of Public Safety, to coordinate requests for mutual aid among the various public agencies of this state and certain Indian tribes and nations. The bill creates an advisory committee, designated the Intrastate Mutual Aid Committee, to advise and assist the Chief of the Division with the implementation and evaluation of the system; and develop comprehensive guidelines and procedures regarding, among other things, requests and recordkeeping for intrastate mutual aid. The measure also authorizes the Governor to request interstate mutual aid pursuant to the Emergency Management Assistance Compact. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 90:

YEAS—39.

NAYS—None.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Paul Anderson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:47 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Stewart and Joiner as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Dean Heller.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:12 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Lipparelli, Smith, and Spearman, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Ohrenschall, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Farley and Assemblyman Wheeler to wait upon United States Senator Dean Heller and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dean Heller, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Dean Heller and invited him to deliver his message.

United States Senator Dean Heller delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

What a pleasure it is to be here. Let me start out by asking the question everybody in here is asking: Why did we schedule this on the same night as the NCAA National Championship? So I have to be done in an hour. Question is, will anyone be listening? It is like having a debate on PBS or your own program on PBS.

Governor, it is good to see you. Thanks for all that you do. Lieutenant Governor, it is good to see you. Speaker Hambrick, thank you for having me here tonight and sharing your office

with me. I want to thank the leaders Michael Roberson, Aaron Ford, and Marilyn Kirkpatrick, and thanks to all of you as well. If I may, I would like to welcome back Senator Debbie Smith to this body. It will be good to have her back this week.

As you have heard, Senator Harry Reid recently announced he will be retiring. Harry has served our state with distinction in both local and state government before representing Nevada in Washington D.C. Harry is coming home to Nevada, and I am sure his family is looking forward to spending more time with him.

Out of a number of Nevada elected officials who have passed away since last session, I would like to take a moment to reflect on a few that stood out in my life. Joe Dini was a long-serving member and Speaker of the Assembly when I was here. Marv Teixeira, former mayor of Carson City, was my Pop Warner coach. He was my Little League coach when I was a kid. I also worked with Bernie Anderson and Pete Livermore. The leadership of these men will be missed greatly. So will their service to our state.

And though he was never an elected official, he was a fixture in the Nevada Legislature for over 30 years: I am talking about Ed Vogel. When I served as Secretary of State, Ed and I operated under an open-door policy. It would not have mattered if I had a closed-door policy; Ed would have kicked it down and gotten the information out of me that he needed. His service and institutional knowledge at the capital for the Review Journal will be greatly missed.

Today I am in familiar territory. Carson is home for me—always has been, always will be. My father is here along with my mother and my wife; thank you so much for being here. As many of you know, my father owned and operated an automotive shop just across the street. Hanging around my Dad's garage sweeping the floors taught me some of life's most valuable lessons. Being a small business owner is not easy. You wake up early and you stay late. But it does instill a discipline and a work ethic that inherently teaches you responsibility. Of course, I would also like to point out that I am probably the only U.S. Senator who can tune up your car, work on your transmission, and if you need it, I will even sweep your garage.

The Nevada Legislature: This is the body where I got my start in public service. I look back at that time fondly. You learn a lot here, and you make a lot of good friends. Your work here is to help our state advance and become a better place for its citizens. I have the same job in Washington, D.C. The good news is this: We have turned a corner in Washington, D.C. For the first time in six years, the U.S. Senate is open for business. We passed a balanced budget for the first time in six years. Committees are working. Amendments are introduced. They are debated and bills are passed. In fact a week ago Thursday, in four hours we had more amendments on the Senate floor than we did all of last year.

My priorities in Washington revolve around one word, and that is *progress*. I learned very quickly that moving forward and fighting for a cause requires you to stick to your principles. I have also learned that when you are crafting legislation and you get 80 percent of what you want, you take it. Then you wake up the next morning and fight for the other 20 percent.

Since I last spoke to this esteemed body, I became a grandfather for the second time. It is my grandchildren's future and your children's and grandchildren's futures that I am fighting for. It is why I am an outspoken supporter of passing a budget in Washington. Nevadans, this legislative body, and all American families have to live on a budget.

We are \$18 trillion in debt. Our country continues to borrow \$4 million per minute. By the end of this speech, our nation will have borrowed \$60 million. If you calculate that, it is a 15-minute speech. It only takes two days for the federal government to borrow Nevada's entire state budget.

Now that I have your attention, let me tell you what I believe are the responsibilities of your federal government: first, to provide for a national defense; second, encourage commerce and maintain infrastructure; and third, provide a safety net for those who fall on tough times.

Let us take number one. Providing a strong defense does not end on the battlefield. It extends to ensuring our veterans are properly taken care of when they return home after service. Every day when I drive to work in Washington, I pass by the Iwo Jima Memorial and Arlington National Cemetery. These monuments and grave sites serve as a testament to the sacrifices of our Armed Services and constantly remind me of our responsibility to care for these men and women.

One of the greatest privileges of serving Nevada in the U.S. Senate is the opportunity to sit on the Senate Committee on Veterans' Affairs. Nevada is home to over 300,000 veterans, and approximately 27,000 of those are women veterans. I remain committed to advocating on behalf of the issues facing our veterans locally and nationwide. Chief among them is the backlog of VA disability claims. I took the lead on the Committee on Veterans' Affairs to reduce the average wait time for Nevada veterans' benefit claims by spearheading the VA Backlog Working Group. While the wait time has improved from 478 days to 257 days, it is still far from the 125 days that the VA has promised and remains one of the longest wait times in the nation. It is unacceptable and until the backlog is eliminated, I will not back down.

I also believe the VA must look to the future and better prepare for the rise in the number of women veterans. Today, nearly 2.3 million women are veterans of military service. As I mentioned, here in Nevada we have 27,000 of them. That is why I teamed with Senator Patty Murray of Washington, a Democrat, on legislation to make sure privacy and security in VA medical facilities are up to par and that each facility offers a full range of services to ensure female veterans are receiving proper care.

Let us move on to the economy. As reports have indicated, Nevada is fortunate in that its economy is recovering better than many states. This is great news. I want to thank the Governor for his leadership. Our state has fared well, better than many.

Recently, I was assigned to the Senate Finance Committee. I sought this specifically because it allows me to help many of Nevada's citizens. I will now be able to focus on strengthening and protecting key programs like Social Security and Medicare. These are important programs Nevadans depend on, and we must ensure they are around for years to come. This assignment also gives our state a seat at the table to discuss tax reform. When it comes to simplifying the tax code, I feel no differently than most of you. It is too big, too complicated, and too expensive. A friend of mine used to joke that the tax code is as long as the Bible, but with none of the good news. The last time the federal tax code was updated, Ronald Reagan was President, Tip O'Neill was Speaker of the House, Dick Bryan was our Governor, and you paid 93 cents for a gallon of gas. That was back in 1986.

I do believe fundamental tax reform is within our reach. Let me tell you why it should happen. First and foremost, our country is \$18 trillion in debt. Secondly, in the last few years, there have been 30 inversions—that is when a company's headquarters moves to a foreign country for a better tax climate. The latest example of this is Burger King. Finally, in the last ten years, 1,300 companies have been bought out by foreign-controlled interests. One of the most recent was the company that makes bats for America's past time: the Louisville Slugger. That is over 100 years of tradition bought out by a Finnish company. Everybody in this room, every Nevadan, and every American agrees this trend must be reversed. The only way that will happen is through fundamental tax reform.

Now, let me tell you why it will not happen. Today the White House will only participate in fundamental tax reform if it includes a trillion dollars in tax increases. In 1986, the last time we had tax reform, it was revenue neutral, agreed to by both Republicans and Democrats. President Reagan made it happen. Do not get me wrong. When I think the President is right, I will support him. When I think the President is wrong, I will not support him. President Bush was not always right, and he was not always wrong. As leaders in Washington, if we understand this and work together, we will move the country forward.

This morning I spent some time with the Governor and the Lt. Governor down in southern Nevada at the opening of I-11. Several legislators who are here in this room participated in that; we broke ground on Interstate 11. Infrastructure is a top priority of mine. Interstate 11 is important for our state and important to me. I am pushing key legislation on I-11 on the Senate floor and am proud to see this project moving closer to becoming reality. Last year over 40 million visitors came to the Silver State supporting almost 400,000 jobs. This designation of I-11 connects the two most populous cities in America without an existing freeway already between them. It has the potential to open even more markets for tourism and trade, which will improve our economy and create jobs.

I believe it is important to find creative solutions to enact a long-term surface transportation bill and keep the Highway Trust Fund solvent without increasing our nation's deficit. As the co-chair of the Senate Finance Committee's Working Group on Infrastructure, I am well positioned

to advocate on behalf of Nevada's and our nation's transportation needs. I strongly believe that infrastructure plays a key role in our nation's and Nevada's economic growth. This is why I am seeking a long-term extension of the highway bill. It will provide jobs in the short term and economic growth in the long term.

As Nevadans recover from one of the worst housing markets in history, I will continue to protect their interests as a member of the Banking Committee. For many people, their home is their largest asset. I want to make sure it stays just that—an asset and not a liability. Some people are arguing that we now live in a rental society. I have four young adult children of my own, and I worry about their generation. A whole generation of young adults has now witnessed their parents struggle in this economy. These young adults have gone to college, acquired student loan debt, and struggled to find a job after graduation. It is no wonder why so many are putting off the American dream of owning a home.

For those Nevadans that already own a home, I teamed with Democratic Senator Debbie Stabenow of Michigan to introduce legislation that will benefit many Nevadans, the Mortgage Debt Relief Act. I have been fighting for continuous extensions of the Mortgage Debt Relief Act for years. The housing crisis may have ended for some, but I can tell you in Nevada, there are still many who have to sell their home at a loss in a short sale. I still cannot figure out why the IRS thinks it makes any sense to tax someone on income they have never seen. This legislation is a prime example of how Washington can help Nevada's families.

With over 85 percent of the land in Nevada being owned and controlled by the federal government, I am a big proponent of transferring much of our land back to local or state government control. Since my first days in the House, I have made sure lands bills were a priority. In December, we had eight lands bills included in key legislation that passed Congress and were signed into law by the President. Some of the areas positively affected are the Fallon Naval Air Station and Lyon, Elko, Clark, Humboldt, and Storey Counties. Best of all, we were able to get input and local buy-in from municipalities and counties across the state. It was a team effort and a strong coalition of public and private entities that did a lot of heavy lifting over the course of many years. We were able to see some of the fruits of our labor finally recognized.

A prime example of what this means to local communities is the City of Yerington. The city will now work with Nevada Copper to expand its mining operation and create over a thousand jobs while also providing new infrastructure and recreational opportunities.

In Southern Nevada, I was proud to team with Congressman Joe Heck on legislation to speed access to public lands so volunteer search groups could conduct searches for missing people. The Good Samaritan Search and Recovery Act will keep families from having to wait on the federal government and its bureaucratic red tape when it comes to searching for a missing loved one on public lands. I have no doubt in the coming years, our state will benefit tremendously from the economic development spurred on by these historic lands bills.

In these difficult times, it is more important than ever that we work together, find common ground, and make tough decisions in order to get people back to work. In Washington, I try to be as pragmatic as possible without compromising my principles. Like all of you, I want to see our state succeed, and I work every single day to achieve that goal. That has been a steady theme of my time in office and one I hope to continue. It is about making progress so tomorrow is a better day for future generations of Nevadans.

A great President once stated, "The best way to predict the future is to create it." I challenge this legislative body to heed these words by Abraham Lincoln and create Nevada's future.

Thank you for your time. Go Wisconsin. I appreciate everybody being here. I know how busy you are, how much work it takes. I have been on your side of the aisle. I have worked and know how tough it can be. Thank you for being here tonight. To the constitutional officers, thank you for taking time from your busy schedules and spending some time with me. And to the leadership of this body and the Senate, thank you very much for all you do for the state of Nevada.

Senator Roberson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Heller for his timely, able, and constructive message.

Seconded by Assemblyman Trowbridge.

Motion carried.

The Committee on Escort escorted Senator Heller to the bar of the Assembly.

Assemblywoman Diaz moved that the Joint Session be dissolved.

Seconded by Senator Hardy.

Motion carried.

Joint Session dissolved at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:38 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Modole.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Thom Collins, Mathew Higbee, and Paul Hecht.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Archer and Colleen Brennan.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hansen, Mallory Hansen Trevino, and Larissa Hansen.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Davis.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Devon Reese, Madeline L. Reese, and Sean Michael Cronan.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Court Cardinal and Robert Bledsaw.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Lubin and Barry Lubin.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, April 8, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:38 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly