

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 8, 2015

Assembly called to order at 12:18 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, since we cannot always do what we like, grant that we may like what we must do, knowing that truth will one day be vindicated and in the end must prevail. Bless these Your servants this day and keep them all in Your peace.

AMEN.

Pledge of allegiance to the Flag.

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 Education, to which was referred Assembly Bill No. 112, 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 Education, to which was referred Assembly Bill No. 351, 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 were referred Assembly Bills Nos. 100, 159, 429, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and refer to the Committee on Ways and Means.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 424, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 67, 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 were referred Assembly Bills Nos. 92, 124, 139, 287, 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 were referred Assembly Bills Nos. 97, 138, 160, 192, 288, 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 Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 79, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 392, 393, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 82, 165; Senate Bills Nos. 322, 376, 505.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 25, 43, 121, 263, 271, 281.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 6, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 196 and 389.

CINDY JONES
Fiscal Analysis Division

April 7, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 276.

MARK KRMPOTIC
Fiscal Analysis Division

April 8, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 448.

CINDY JONES
Fiscal Analysis Division

April 8, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 76, 400 and 419.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

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

Motion carried.

Senate Bill No. 25.

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

Motion carried.

Senate Bill No. 43.

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

Motion carried.

Senate Bill No. 121.

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

Motion carried.

Senate Bill No. 263.

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

Motion carried.

Senate Bill No. 271.

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

Motion carried.

Senate Bill No. 281.

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

Motion carried.

Senate Bill No. 322.

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

Motion carried.

Senate Bill No. 376.

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

Motion carried.

Senate Bill No. 505.

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

Motion carried.

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

Assembly in recess at 12:38 p.m.

ASSEMBLY IN SESSION

At 12:48 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 229.

AN ACT relating to crimes; ~~making the instrumentalities used to commit certain offenses relating to Medicaid fraud subject to forfeiture;~~ extending the period during which criminal records may not be sealed if the crime is related to certain crimes involving Medicaid; revising provisions relating to incentives for bringing certain actions for false or fraudulent Medicaid claims; revising provisions governing the distribution of amounts collected to private plaintiffs in actions for false claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides that all personal property which is used as an instrumentality in the commission of certain specified crimes is subject to forfeiture. (NRS 179.121) Section 1 of this bill expands the list of such crimes to include fraud and certain other offenses committed in connection with the State Plan for Medicaid.~~

Existing law provides that a person convicted of a crime may, after the passage of specified periods, petition the court in which he or she was convicted for the sealing of all records of the conviction. Upon receiving such a petition, the court is required to notify the law enforcement agency that arrested the petitioner and the prosecuting attorney for the city or county who prosecuted the petitioner that the petitioner is seeking to have the records of the conviction sealed. The prosecuting attorney is authorized to testify and present evidence at any hearing concerning the petition. (NRS 179.245) **Section 2** of this bill provides that a person who is convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with the State Plan for Medicaid is not entitled to file a petition for the sealing of records relating to his or her conviction until at least 7 years after the date of the person's release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later. **Section 2** also requires the court to provide notice of such a petition to the Attorney General if he or she was the prosecuting attorney who prosecuted the person for the crime.

The federal Deficit Reduction Act of 2005, Public Law 109-171, enacted certain provisions concerning state plans for Medicaid. Section 6031 of the Act provides financial incentives for states that enact laws establishing liability for false or fraudulent claims made to the State Plan for Medicaid. (42 U.S.C. § 1396h) To be eligible for these financial incentives, the laws of a state must contain provisions that are at least as effective at rewarding and facilitating certain qui tam actions for false or fraudulent claims as those described in the federal False Claims Act. (31 U.S.C. §§ 3730-3732) **Sections 3-8 and 10** of this bill amend existing law concerning the filing of false or fraudulent claims so that the laws of this State are at least as effective at rewarding and facilitating such actions as the provisions described in federal law.

Under existing law, a private plaintiff who initiates a civil action against a person for filing a false claim or otherwise defrauding the State or one of its political subdivisions, commonly called a qui tam action, is entitled to receive a percentage of the amount of any penalty recovered from the defendant according to the extent of the private plaintiff's contribution to the conduct of the action or an amount the court trying the action otherwise determines to be reasonable. (NRS 357.210) **Section 9** of this bill reduces from 33 percent to 25 percent the maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions if the Attorney General or the Attorney General's designee intervenes in the action at its outset. **Section 9** also reduces from 50 percent to 33 percent the maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions if the Attorney General or the Attorney General's designee does not intervene in the action at its outset.

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

Section 1. ~~[NRS 179.121 is hereby amended to read as follows:~~

~~179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:~~

~~(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;~~

~~(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;~~

~~(c) A violation of NRS 202.445 or 202.446;~~

~~(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or~~

~~(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, **422.540 to 422.570, inclusive**, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.~~

~~2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:~~

~~(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under~~

~~this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;~~

~~—(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;~~

~~—(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and~~

~~—(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.~~

~~3. For the purposes of this section, a firearm is loaded if:~~

~~—(a) There is a cartridge in the chamber of the firearm;~~

~~—(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or~~

~~—(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.~~

~~4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415. **(Deleted by amendment.)**~~

Sec. 2. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) ~~{Any}~~ **Except as otherwise provided in paragraph (e), any** gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of **NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or**

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and ~~[-~~

~~-(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or~~

~~-(b) If the person was convicted in a municipal court,] the prosecuting attorney [for the city.~~

→] , including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of

Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (d) A violation of NRS 484C.430;
- (e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(15) An attempt to commit an offense listed in this paragraph.

Sec. 3. NRS 357.026 is hereby amended to read as follows:

357.026 “Original source” means a person:

1. Who voluntarily discloses to the State or a political subdivision the information on which the allegations *or transactions* in an action for a false claim are based before the public disclosure of the information; or

2. Who has knowledge of information that is independent of and materially adds to the publicly disclosed allegations or transactions and who voluntarily provides such information to the State or political subdivision before bringing an action for a false claim based on the information.

Sec. 4. NRS 357.040 is hereby amended to read as follows:

357.040 1. Except as otherwise provided in NRS 357.050, a person who, with or without specific intent to defraud, does any of the following listed acts is liable to the State or a political subdivision, whichever is affected, for the amounts set forth in subsection 2:

(a) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval.

(b) Knowingly makes or uses, or causes to be made or used, a false record or statement that is material to a false or fraudulent claim.

(c) Has possession, custody or control of public property or money used or to be used by the State or a political subdivision and knowingly delivers or causes to be delivered to the State or a political subdivision less money or property than the amount of which the person has possession, custody or control.

(d) Is authorized to prepare or deliver a document that certifies receipt of money or property used or to be used by the State or a political subdivision and knowingly prepares or delivers such a document without knowing that the information on the document is true.

(e) Knowingly buys, or receives as a pledge or security for an obligation or debt, public property from a person who is not authorized to sell or pledge the property.

(f) Knowingly makes or uses, or causes to be made or used, a false record or statement that is material to an obligation to pay or transmit money or property to the State or a political subdivision.

(g) Knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the State or a political subdivision.

(h) Is a beneficiary of an inadvertent submission of a false claim and, after discovering the falsity of the claim, fails to disclose the falsity to the State or political subdivision within a reasonable time.

(i) Conspires to commit any of the acts set forth in this subsection.

2. For each act described in subsection 1 that is committed by a person, the person is liable for:

(a) Three times the amount of damages sustained by the State or political subdivision, whichever is affected, because of the act of the person;

(b) The costs of a civil action brought to recover the damages described in paragraph (a); and

(c) ~~{A}~~ ***Except as otherwise provided in this paragraph, a civil penalty of not less than \$5,500 or more than \$11,000. A civil penalty imposed pursuant to this paragraph must correspond to any adjustments in the monetary amount of a civil penalty for a violation of the federal False Claims Act, 31 U.S.C. § 3729(a), made by the Attorney General of the United States in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410, as amended.***

3. As used in this section, a person acts “knowingly” with respect to information if he or she:

(a) Has knowledge of the information;

(b) Acts in deliberate ignorance of whether the information is true or false;

or

(c) Acts in reckless disregard of the truth or falsity of the information.

Sec. 5. NRS 357.080 is hereby amended to read as follows:

357.080 1. Except as otherwise provided in this section and NRS 357.100, a private plaintiff may bring an action pursuant to this chapter for a violation of NRS 357.040 on his or her own account and that of the State or a political subdivision, or both the State and a political subdivision. The action must be brought in the name of the State or the political subdivision, or both. After such an action is commenced, it may be dismissed only with written consent of the court and the Attorney General. The court and the Attorney General shall take into account the public purposes of this chapter and the best interests of the parties in dismissing the action or consenting to the dismissal, as applicable, and provide the reasons for dismissing the action or consenting to the dismissal, as applicable.

2. If a private plaintiff brings an action pursuant to this chapter, no person other than the Attorney General or the Attorney General’s designee may intervene or bring a related action pursuant to this chapter based on the facts underlying the first action.

3. An action may not be maintained by a private plaintiff pursuant to this chapter:

(a) Against a member of the Legislature or the Judiciary, an elected officer of the Executive Department of the State Government, or a member of the governing body of a political subdivision, if the action is based upon evidence or information known to the State or political subdivision at the time the action was brought.

(b) If the action is based upon allegations or transactions that are the subject of a civil action or an administrative proceeding for a monetary penalty to which the State or political subdivision is already a party.

4. A complaint filed pursuant to this section must be placed under seal and so remain for at least 60 days or until the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 has elected whether to intervene. No service may be made upon the defendant until so ordered by the court.

5. On the date the private plaintiff files a complaint, he or she shall send a copy of the complaint to the Attorney General by mail with return receipt requested. The private plaintiff shall send with each copy of the complaint a written disclosure of substantially all *material* evidence and information he or she possesses. If a district attorney or city attorney has accepted a designation from the Attorney General pursuant to NRS 357.070, the Attorney General shall forward a copy of the complaint to the district attorney or city attorney, as applicable.

6. An action pursuant to this chapter may be brought in any judicial district in this State in which the defendant can be found, resides, transacts business or in which any of the alleged fraudulent activities occurred.

Sec. 6. NRS 357.100 is hereby amended to read as follows:

357.100 Unless the Attorney General objects, a court shall dismiss an action or a claim made pursuant to this chapter that is substantially based on *the same* allegations or transactions that have been disclosed publicly:

1. In a criminal, civil or administrative hearing to which the State, a political subdivision, or an agent of the State or a political subdivision is a party;

2. In an investigation, report, hearing or audit conducted by or at the request of a house of the Legislature, an auditor or the governing body of a political subdivision; or

3. By the news media,

↪ unless the action or claim is brought by the Attorney General, a designee of the Attorney General pursuant to NRS 357.070 or an original source of the information.

Sec. 7. NRS 357.120 is hereby amended to read as follows:

357.120 1. If the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 intervenes, the private plaintiff remains a party to an action pursuant to NRS 357.080.

2. The Attorney General or the Attorney General's designee may move to dismiss the action for good cause. The private plaintiff must be notified of the filing of the motion and is entitled to oppose it and present evidence at the hearing.

3. Except as otherwise provided in this subsection, the Attorney General or the Attorney General's designee may settle the action. If the Attorney General or the Attorney General's designee intends to settle the action, the Attorney General or the Attorney General's designee shall notify the private plaintiff of that fact. Upon the request of the private plaintiff, the court shall determine, *after a hearing*, whether the proposed settlement is fair, adequate and reasonable under all the circumstances. Upon a showing for good cause, the court may ~~hear the proposed settlement~~ *conduct such hearing* in camera.

Sec. 8. NRS 357.170 is hereby amended to read as follows:

357.170 1. An action pursuant to this chapter may not be commenced ~~more~~:

(a) *More* than 3 years after the date on which the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 discovers, or reasonably should have discovered, the fraudulent activity, ~~for more than 6 years after the fraudulent activity occurred,~~ but in no event more than 10 years after the fraudulent activity occurred ~~[-]~~; *or*

(b) *More than 6 years after the fraudulent activity occurred,*
 ↪ *whichever occurs later.* Within those limits, an action may be based upon fraudulent activity that occurred before ~~July 1, 2007,~~ *the effective date of this act.*

2. In an action pursuant to this chapter, the standard of proof is a preponderance of the evidence. A finding of guilty or guilty but mentally ill in a criminal proceeding charging false statement or fraud, whether upon a verdict of guilty or guilty but mentally ill or a plea of guilty, guilty but mentally ill or nolo contendere, estops the person found guilty or guilty but mentally ill from denying an essential element of that offense in an action pursuant to this chapter based upon the same transaction as the criminal proceeding.

Sec. 9. NRS 357.210 is hereby amended to read as follows:

357.210 1. Except as otherwise provided in subsection 3, if the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 intervenes at the outset in an action pursuant to NRS 357.080, the private plaintiff is entitled to receive not less than 15 percent or more than ~~33~~ 25 percent of any recovery, according to the extent of his or her contribution to the conduct of the action.

2. Except as otherwise provided in subsection 3, if the Attorney General or the Attorney General's designee does not intervene in the action at the outset, the private plaintiff is entitled to receive not less than 25 percent or more than ~~50~~ 30 percent of any recovery, as the court determines to be reasonable.

3. Regardless of whether the Attorney General or the Attorney General's designee intervenes in the action, if the court finds that the action was brought by a private plaintiff who planned or initiated the violation of NRS 357.040 upon which the action is based, the court may reduce the recovery to which the private plaintiff is otherwise entitled pursuant to subsection 1 or 2. The court shall consider the role of the private plaintiff in advancing the action and any other relevant circumstances. If the private plaintiff is convicted of criminal conduct arising from his or her role in the violation of NRS 357.040, the private plaintiff must be dismissed from the civil action and must not receive any share of the recovery pursuant to subsection 1 or 2. Any such dismissal does not prejudice the right of the Attorney General or the Attorney General's designee to continue the action.

Sec. 10. NRS 357.250 is hereby amended to read as follows:

357.250 1. If an employee, contractor or agent is discharged, demoted, suspended, threatened, harassed or discriminated against in the terms and conditions of employment as a result of any lawful act of the employee, contractor, ~~or~~ agent *or associated others* in furtherance of an action brought pursuant to this chapter ~~or~~ *or any other effort to stop a violation of this chapter*, the employee, contractor or agent is entitled to all relief necessary to make the employee, contractor or agent whole, including, without limitation, reinstatement with the same seniority as if the discharge, demotion, suspension, threat, harassment or discrimination had not occurred or damages in lieu of reinstatement if appropriate, twice the amount of lost compensation, interest on the lost compensation, any special damage sustained as a result of the discharge, demotion, suspension, threat, harassment or discrimination and punitive damages if appropriate. The employee, contractor or agent may also receive compensation for expenses recoverable pursuant to NRS 357.180, costs and attorney's fees.

2. A civil action brought pursuant to this section may not be brought more than 3 years after the date on which the discharge, demotion, suspension, threat, harassment or discrimination occurred.

Sec. 11. NRS 357.225 is hereby repealed.

Sec. 12. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

357.225 Distribution to original source in action based upon certain public disclosures. In an action brought pursuant to NRS 357.100 by an original source, the court may award not more than 10 percent of the recovery to the original source. In determining the amount to be awarded pursuant to this section, the court shall consider the role of the original source in advancing the claim to litigation.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment deletes section 1 of the bill. This section provides that personal property used in the commission of fraud and certain other offenses committed in connection with the State Plan for Medicaid are subject to forfeiture.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 104.

AN ACT relating to education; authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances. (NRS 392.360) This bill authorizes a board of trustees to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events when a commercial bus is not reasonably available under certain circumstances. This bill further requires such an agreement to include certain provisions.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district may authorize the school district to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events so long as such an agreement will not interfere with or prevent the school district from providing transportation for pupils for the purposes described in NRS 392.300 and 392.360. ~~[The board of trustees of a school district shall determine annually whether to authorize the school district to lease school buses or vehicles belonging to the school district.]~~

2. If a school district enters into an agreement pursuant to this section, the agreement must include, without limitation, a provision:

(a) Requiring a fee in an amount which is not less than the total cost per mile for the use of a school bus or vehicle to the school district, as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department, and any additional costs or expenses related to the use of the school bus or vehicle ~~for~~, including,

without limitation, fuel, wear and tear, maintenance, appropriate staffing, administrative costs and an additional rental service fee;

(b) Indemnifying and holding the school district harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto;

(c) Indemnifying and holding the driver of a school bus or vehicle harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto incurred when acting in the scope of his or her employment;

(d) Requiring the lessee to accept responsibility for any damage to the school bus or vehicle while leased as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(e) Requiring the ~~lessor~~ lessee to provide proof that the school bus or vehicle leased will be operated by a person licensed under the laws of this State to operate the particular type of bus or vehicle leased; ~~and~~

~~(d)~~ (f) Requiring the ~~lessor~~ lessee to provide proof of insurance which covers the school bus or vehicle while operated by the ~~lessor~~ lessee up to an amount determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department; and

(g) Requiring the lessee to give preference to a driver of a school bus or vehicle who is employed by the school district before hiring a driver of a school bus or vehicle who is not employed by the school district.

3. ~~Whenever~~ Except as otherwise provided in this subsection, whenever any school bus or vehicle belonging to a school district is leased, any lettering on the school bus or vehicle designating the vehicle as a school bus or vehicle must be covered and concealed, no signs or wording may be affixed to the school bus or vehicle and any system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle must not be used in the operation of the school bus or vehicle by the lessor ~~or~~ except in the case of an emergency. A system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle may be used in the operation of a school bus during an emergency.

4. A school district shall place any money collected as a result of an agreement to lease a school bus or vehicle which exceeds the actual cost to the school district in a fund maintained for the replacement of school buses and vehicles belonging to the school district.

5. A school district may not enter into an agreement pursuant to this section if it determines that transportation by a commercial bus is reasonably available.

6. For the purposes of this section, "special event" means an event or series of events that does not take place during the regular school day and

is not an interscholastic contest, school festival or other activity properly a part of a school program.

Sec. 2. NRS 392.360 is hereby amended to read as follows:

392.360 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

- (a) Interscholastic contests;
- (b) School festivals; or
- (c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

- (a) Programs for the supervision of children before and after school; and
 - (b) Other programs or activities that the board of trustees deems appropriate,
- ↪ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 392.300 to 392.410, inclusive ~~{ }~~, **and section 1 of this act.**

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

Sec. 3. This act becomes effective ~~on July 1, 2015.~~ **upon passage and approval.**

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 104 makes the following changes to the bill: It removes the requirement that the board of trustees of a school district determine annually whether to authorize the school district to lease school buses or vehicles belonging to the school district. It authorizes the school district's transportation department or the school board to charge a fee, which can include the costs of fuel, wear and tear, maintenance, appropriate staffing, administrative costs, and an additional rental service fee. It also indemnifies and holds harmless the school district against any claim, demand, or judgment, without limitation including any losses, damages, legal costs,

or expenses. It indemnifies and holds harmless the driver of a school bus against any claim, demand, judgment, or legal action including, without limitation, any losses, damages, legal costs, or expenses incurred when acting in the scope of his or her employment. It requires the lessee to provide proof that the school bus or vehicle be operated by a person licensed in Nevada to operate the type of bus or vehicle leased. It requires the lessee to provide proof of insurance in an amount determined by the school district or its transportation department and requires preference to be given to a driver who is currently employed by the school district before hiring a driver who is not employed by the school district. It prohibits signs or wording to be affixed to the school bus or vehicle and allows for the use of the system of flashing red lights or mechanical device attached to the front of the school bus or vehicle only during an emergency. Finally, the definition of "special event" is clarified to mean an event or series of events. The effective date is changed to passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 135.

AN ACT relating to education; prohibiting a school from disciplining ~~for~~ certain pupils for simulating a firearm or dangerous weapon or wearing clothing or accessories that depict a firearm or dangerous weapon or express certain opinions except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a school to suspend or expel a pupil for possessing a firearm or dangerous weapon while on the premises of any public school, attending an activity sponsored by a public school or on any school bus. (NRS 392.466). This bill prohibits a school from disciplining a pupil enrolled in kindergarten or grades 1 to 8, inclusive, for simulating a firearm or dangerous weapon while playing or for wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms except in certain circumstances.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

- (a) Simulating a firearm or dangerous weapon while playing; or*
- (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms ~~for~~, unless it substantially disrupts the educational environment.*

2. *Simulating a firearm or dangerous weapon includes, without limitation:*

- (a) *Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;*
- (b) *Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;*
- (c) *Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;*
- (d) *Using a finger or hand to simulate a firearm or dangerous weapon;*
- (e) *Drawing a picture or possessing an image of a firearm or dangerous weapon; and*
- (f) *Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.*

3. *A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:*

- (a) *Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;*
- (b) *Causes bodily harm to another person; or*
- (c) *Places another person in reasonable fear of bodily harm.*

4. ~~4.~~ *Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.*

5. *The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 392.415.*

6. As used in this section:

- (a) *“Dangerous weapon” has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 392.466.*
- (b) *“Firearm” has the meaning ascribed to it in paragraph (c) of subsection 7 of NRS 392.466.*

Sec. 2. 1. Any policy, ordinance or regulation adopted by a local government existing on the effective date of this act which conflicts with any provision of section 1 of this act is void and must not be given effect to the extent of the conflict.

2. As used in this section, “local government” means any political subdivision of this State, including, without limitation, a county, city, town or school district.

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

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 135 makes five changes to the bill. First, it defines certain pupils as those enrolled in kindergarten or Grades 1 to 8, inclusive.

Second, it adds qualifying language so that a pupil may not be disciplined for wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms unless it substantially disrupts the educational environment. Third, it clarifies that the “dangerous weapon” specified in the bill is a toy dangerous weapon. Fourth, it adds language that a pupil may be disciplined when the simulation of a firearm or dangerous weapon substantially disrupts the educational environment at the school.

Finally, a school will not be limited from establishing and enforcing a policy requiring pupils to wear a school uniform.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 126.

Bill read second time.

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

Amendment No. 55.

AN ACT relating to massage therapy; exempting a nail technologist from the requirement to be licensed as a massage therapist when performing certain activities; revising certain testing requirements for applicants for a license to practice massage therapy; limiting the period during which an inactive or expired license may be restored or renewed; deleting certain grounds for refusal to issue a license or initiate disciplinary action against licensees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law exempts certain persons from the requirement to be licensed as a massage therapist. (NRS 640C.100) **Section 1** of this bill adds licensed nail technologists to this list of exempt persons if the nail technologist is massaging the hands, feet, forearms or lower legs of a person within the permissible scope of practice for a nail technologist.

Existing law requires an applicant for a license to practice massage therapy to pass a written examination administered by a board that is accredited by the National Commission for Certifying Agencies (NCCA) or certain other examinations. (NRS 640C.400) **Section 2** of this bill deletes the requirement that the written examination be administered by a board accredited by the NCCA, and instead requires ~~only~~ that the examination be ~~administered by an accredited board.~~ **a nationally recognized competency examination that is approved by the Board of Massage Therapists.**

Existing law allows a massage therapist whose license has expired or been placed on inactive status to restore or renew his or her license by paying certain fees and meeting certain requirements. (NRS 640C.500, 640C.510) **Sections 3 and 4** of this bill limit to 2 years the period during which an expired or inactive license may be restored or renewed.

Existing law authorizes the Board of Massage Therapists to refuse to issue a license to an applicant or initiate disciplinary action against the holder of a license for certain reasons, including a conviction for any crime involving

moral turpitude within the immediately preceding 10 years. (NRS 640C.700) **Section 5** of this bill deletes the conviction for such a crime as grounds for disciplinary action or denial of a license, leaving convictions for crimes involving sex, violence, prostitution, theft or drugs, or crimes related to massage therapy as grounds for such disciplinary action or denial of a license. **Section 5** also adds the failure to report to the Board any unethical or unprofessional conduct of the holder of a license or other person relating to massage therapy as grounds for such disciplinary action or denial of a license.

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

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) *A person licensed as a nail technologist pursuant to NRS 644.205 if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist.*

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

~~{(e)}~~ (f) Students enrolled in a school of massage therapy recognized by the Board.

~~{(f)}~~ (g) A person who practices massage therapy solely on members of his or her immediate family.

~~{(g)}~~ (h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board 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;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320:

(1) Except as otherwise provided in subsection 3, pass a ~~written~~ nationally recognized examination ~~administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists;~~ for testing the education and professional competency of massage therapists that is approved by the Board; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

- (a) Approved by the Commission on Postsecondary Education; or
- (b) Offered by a public college in this State or any other state.

↪ The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to determine:

- (1) The reputation and character of the applicant;
- (2) The existence and contents of any record of arrests or convictions of the applicant;
- (3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and
- (4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 3. NRS 640C.500 is hereby amended to read as follows:

640C.500 1. Each license expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under NRS 640C.320; and

(c) The fee for renewal of the license prescribed by the Board pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be restored if , ***within 2 years after the expiration of the license***, the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board pursuant to NRS 640C.520:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 4. NRS 640C.510 is hereby amended to read as follows:

640C.510 1. Upon written request to the Board, a holder of a license in good standing may cause his or her name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy ~~[-]~~ ***within 2 years after the license was made inactive***, the Board shall renew the license upon:

(a) Demonstration, if deemed necessary by the Board, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 5. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy or a substantially similar business ; ~~[-]~~ ~~or a crime involving moral turpitude within the immediately preceding 10 years;]~~

4. Has engaged in or solicited sexual activity during the course of practicing massage on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

- (a) Made sexual advances toward the person;
- (b) Requested sexual favors from the person; or
- (c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy;

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy;

8. Has failed to provide information requested by the Board within 60 days after receiving the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy;

10. ***Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days after becoming aware of that conduct;***

11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

~~11.1~~ 12. Has solicited or received compensation for services relating to the practice of massage therapy that he or she did not provide;

~~11.2~~ 13. If the holder of the license is on probation, has violated the terms of the probation;

~~11.3~~ 14. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage for which he or she has not received training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;

~~11.4~~ 15. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

- (a) The license of the facility was suspended or revoked; or
- (b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

~~11.5~~ 16. Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

~~16.~~ 17. Except as otherwise provided in subsection ~~15.~~ 16, has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

- (a) Receiving notice of the imposition of the fine; or
 - (b) The final administrative or judicial decision affirming the imposition of the fine,
- ↳ whichever occurs later.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment strikes proposed language relating to examinations written by an accredited board and instead requires the applicant to successfully pass a nationally recognized examination meeting certain criteria that is approved by the board.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

AN ACT relating to the adoption of children; revising provisions restricting adoptions based on the ages of a child and a prospective adoptive parent; revising provisions relating to the adoption of a child by married persons; revising provisions concerning orders and decrees of adoption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the adoption of children. (NRS 127.010-127.186) Under existing law, certain restrictions relating to the respective ages of a child and a prospective adoptive parent for adoption purposes are imposed. (NRS 127.020) Section 1 of this bill provides that a court may disregard those age restrictions if the prospective adoptive parent is a certain family member of the child and it is in the best interest of the child and in the interest of the public.

Existing law prohibits the grant of a petition for leave to adopt a child by a married person if the person's spouse does not consent to and join in the petition. (NRS 127.030) Section 2 of this bill provides that a married person must obtain from his or her spouse consent to an adoption, but a spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent in an order or decree of adoption except under certain circumstances.

Under existing law, a court is required to grant a petition for the adoption of a child if the court finds that it is in the best interest of the child. However, an order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners. (NRS 127.150) ~~This~~ Section 3

of this bill provides that the 6-month requirement does not apply if one ~~petitioner~~ of the petitioners is the stepparent of the child ~~or~~ or is related to the child within the third degree of consanguinity.

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

Section 1. NRS 127.020 is hereby amended to read as follows:

127.020 ~~1A~~

1. Except as otherwise provided in subsection 2:

(a) A minor child may be adopted by an adult person in the cases and subject to the rules prescribed in this chapter. ~~The~~

(b) A person adopting a child must be at least 10 years older than the person adopted, and the consent of the child, if over the age of 14 years, is necessary to its adoption.

2. A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:

(a) The child is being adopted by a stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent; and

(b) The court is satisfied that it is in the best interest of the child and in the interest of the public.

Sec. 2. NRS 127.030 is hereby amended to read as follows:

127.030 1. Any adult person or any two persons married to each other may petition the district court of any county in this state for leave to adopt a child. ~~The petition by a person having a husband or wife shall not be granted unless the husband or wife consents thereto and joins therein.~~

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from his or her spouse may not adopt a child without the consent of his or her spouse, if such spouse is capable of giving such consent.

3. If a spouse consents to an adoption as described in subsection 2, such consent does not establish any parental rights or responsibilities on the part of the spouse unless he or she:

(a) Has, in a writing filed with the court, specifically consented to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order or decree of adoption.

4. The court shall not name a spouse who consents to an adoption as described in subsection 2 as an adoptive parent in an order or decree of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by an investigation conducted pursuant to NRS 127.120 or 127.2805.

5. The court may dispense with the requirement for the consent of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to consent. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order or decree of adoption.

~~{Section 1.}~~ Sec. 3. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interests of the child warrant the granting of a petition that is filed by a foster parent, the court shall give strong consideration to the emotional bond between the child and the foster parent. A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued. In the decree the court may change the name of the child, if desired. ~~{No}~~

2. ***Except as otherwise provided in this subsection, an*** order or decree of adoption may ***not*** be made until after the child has lived for 6 months in the home of the petitioners.

~~{2.}~~ ***This subsection does not apply if one ~~{petitioner}~~ of the petitioners is the stepparent of the child ~~{or is related to the child within the third degree of consanguinity.~~***

3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody.

~~{3.}~~ 4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows adoption, upon the court's satisfaction, of children of any age. It clarifies that the consent of a spouse does not establish parental rights unless specifically consented to establishing those rights. The court may dispense with spousal consent if the spouse cannot be located or lacks the capacity to consent. It exempts relatives within the third degree of consanguinity from the six- month wait period for adoption.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 237.

AN ACT relating to eminent domain; prohibiting ~~the exercise of~~ **a local government from entering into an agreement for the purpose of exercising** the power of eminent domain to take a ~~residential~~ mortgage or deed of trust **on private property** or a note secured by a ~~residential~~ mortgage or deed of trust ~~on private property~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits ~~the exercise of~~ **a local government from entering into an agreement with any person for the purpose of exercising** the power of eminent domain to take a ~~residential~~ mortgage or deed of trust **on private property** or a note secured by a ~~residential~~ mortgage or deed of trust ~~on private property~~.

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

Section 1. NRS 37.030 is hereby amended to read as follows:

37.030 *1.* The private property which may be taken under this chapter includes:

~~1-1~~ *(a)* All real property belonging to any person, company or corporation.

~~2-1~~ *(b)* Lands belonging to the State, or to any county, or incorporated city or town, not appropriated to some public use.

~~3-1~~ *(c)* Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated.

~~4-1~~ *(d)* Franchises for toll roads, toll bridges, ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads or other more necessary public use.

~~5-1~~ *(e)* All rights-of-way for any and all purposes mentioned in NRS 37.010, and any and all structures and improvements thereon, and the lands held or used in connection therewith, shall be subject to be connected with, crossed, or intersected by any other right-of-way or improvement or structure thereon. They shall also be subject to a limited use in common with the owner thereof, when necessary; but such uses of crossings, intersections and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury.

~~6-1~~ *(f)* All classes of private property not enumerated may be taken for public use when such taking is authorized by law.

2. Notwithstanding any other provision of law, a local government shall not enter into an agreement with any person for the purpose of exercising the power of eminent domain to take a mortgage, deed of trust, or mortgage lien on ~~residential~~ private property or any note secured by a

~~mortgage, deed of trust or mortgage lien on residential private property .
[may not be taken under this chapter.~~

~~3. As used in this section, "residential property" means:~~

~~(a) Improved real estate that consists of not more than four residential units; or~~

~~(b) A single family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.]~~

Sec. 2. NRS 37.090 is hereby amended to read as follows:

37.090 The court or judge thereof shall have power:

1. To determine the places of making connections, crossings, cattle guards and culverts, and to regulate the manner thereof, and of enjoying the common use mentioned in *paragraph (e) of* subsection ~~5~~ *I* of NRS 37.030.

2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor.

3. To determine the respective rights of different parties asking condemnation of the same property.

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

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies that a local government is prohibited from entering into an agreement with any person for the purpose of exercising the power of eminent domain. Secondly, the amendment deletes references to residential property and replaces it with private property.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 169.

AN ACT relating to education; requiring certain notices provided by a principal at a public school to the parent or guardian of a pupil relating to the health or bullying of the pupil to include a list of resources that may be available in the community for the pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of a public school or his or her designee to provide written notice to the parent or legal guardian of any pupil involved in a bullying or cyber-bullying incident on the premises of the school, at an activity sponsored by the school or on a school bus. (NRS 388.135, 388.1351) Existing law also requires public school authorities to notify the

parent or guardian of a child who is found or believed to have scoliosis, any visual or auditory problems or any gross physical defect. (NRS 392.420) This bill requires any written notice required pursuant to these provisions to include a list of any resources that may be available in the community to assist the pupil or provide appropriate medical attention, if such information is available.

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

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation ~~[-a]~~:

(a) A statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil ~~[-]~~; and

(b) *To the extent that information is available, a list of any resources that may be available in the community to assist the pupil, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.*

3. The investigation *conducted pursuant to subsection 2* must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

~~{3-}~~ 4. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 2. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or

supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

↪ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. ***Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.***

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used

to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 169 revises the bill to clarify that for the list of community resources specified in the bill, the principal or any employee of the school or the school district is not responsible for providing the resources to the pupil or ensuring that the pupil receives the resources.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time.

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

Amendment No. 192.

AN ACT relating to chiropractic; authorizing the President, or a designated member, of the Chiropractic Physicians' Board of Nevada to require certain

chiropractic physicians or chiropractor's assistants to submit to a mental or physical examination under certain circumstances; providing that the results of such an examination or the details of a chiropractic physician or chiropractor's assistant's participation in a diversion program to address alcohol or drug misuse may be exchanged with the Board; revising the unprofessional conduct for which a practitioner of chiropractic may be subject to discipline; revising the requirements for a license to practice chiropractic; providing a waiver of fees for certain applicants for a temporary license to practice chiropractic; revising the requirements for the reinstatement of a license to practice chiropractic; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing, certification and regulation of practitioners of chiropractic. (Chapter 634 of NRS) Existing law also authorizes the various licensing boards for physicians, homeopathic physicians, osteopathic physicians, veterinary practitioners and certain therapists and counselors to require a licensee to submit to a mental or physical examination if the licensee's competence is questioned. (NRS 630.318, 630A.420, 633.561, 638.142, 641A.315) **Section 1** of this bill authorizes the President, or a designated member, of the Chiropractic Physicians' Board of Nevada to require that a licensed chiropractic physician or certified chiropractor's assistant submit to a mental or physical examination ~~at the person's expense,~~ if his or her competence is questioned. **Section 1** also provides that the results of such an examination or of a diversion program for the treatment of alcohol or drug misuse by the person are not privileged. Existing law defines the term "unprofessional conduct" for which a practitioner of chiropractic may be subject to discipline. (NRS 634.018) **Section 2** of this bill revises this definition by: (1) expanding the types of misleading public communications to include letterhead and electronic communications, such as social media and Internet websites; and (2) changing repeated malpractice as a grounds for discipline to any single incident of malpractice. Existing law enumerates the requirements for a license to practice chiropractic. (NRS 634.090) **Section 3** of this bill revises those requirements to include chiropractic training and education from certain foreign schools under certain circumstances. Existing law requires an applicant for a temporary license to practice chiropractic to pay an application fee. (NRS 634.115) **Section 4** of this bill waives the application fee for an applicant for a temporary license who applies for a temporary license solely to provide chiropractic services to a patient in this State without remuneration. **Section 5** of this bill revises the date by which the fee for renewal of a license or certificate must be paid. **Section 6** of this bill requires a licensee whose license has expired and who is applying to reinstate the license to submit a set of his or her fingerprints and pay a fee for the processing of the fingerprints.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the President or a member of the Board designated to review a complaint pursuant to NRS 634.170 has reason to believe that the conduct of a chiropractic physician or chiropractor's assistant has raised a reasonable question as to his or her competence to practice as a chiropractic physician or as a chiropractor's assistant, as applicable, with reasonable skill and safety to patients, the President or the member of the Board designated by the President may require the chiropractic physician or chiropractor's assistant to submit to a mental or physical examination conducted by the appropriate medical providers designated by the Board. The Board ~~may require the chiropractic physician or chiropractor's assistant to~~ shall pay the costs of ~~the~~ any examination ~~if~~ required pursuant to this subsection.

2. If the chiropractic physician or chiropractor's assistant participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the chiropractic physician or chiropractor's assistant in the diversion program. As used in this subsection, "diversion program" means a program approved by the Board to correct a chiropractic physician or chiropractor's assistant's alcohol or drug dependence or any other impairment.

3. For the purposes of this section:

(a) A chiropractic physician who is licensed or a chiropractor's assistant who is certified under this chapter and who accepts the privilege of practicing chiropractic or practicing as a chiropractor's assistant in this State is deemed to have given consent to submit to a mental or physical examination pursuant to a written order by the President or member of the Board designated to review a complaint.

(b) The testimony or examination reports of the examining medical provider are not privileged communications.

4. Except in extraordinary circumstances, as determined by the Board, the failure of a chiropractic physician who is licensed or a chiropractor's assistant who is certified under this chapter to submit to an examination pursuant to this section constitutes an admission of the charges against the chiropractic physician or chiropractic assistant.

Sec. 2. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.
2. Procuring, or aiding or abetting in procuring, criminal abortion.

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

4. Advertising, by any form of public communication, a chiropractic practice:

(a) Using grossly improbable statements; or

(b) In any manner that will tend to deceive, defraud or mislead the public.

→ As used in this subsection, “public communication” includes, but is not limited to, communications by means of television, radio, *motion pictures*, *Internet websites*, *electronic mail*, *social media accounts* and newspapers, books, ~~and~~ periodicals, ~~motion picture,~~ handbills ~~for~~, *letterhead and* other printed matter.

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

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

7. Administering, dispensing or prescribing any controlled substance.

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

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

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

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

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

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

14. Solicitation by the licensee or the licensee’s designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle accident, involved in a work-related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

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

(b) “Solicitation” means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the

report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

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

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

- (a) The medical records of the patient; or
- (b) An examination of the patient by the chiropractic physician taking such action.

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

18. *Practicing below the standard of care required from a chiropractic physician or chiropractor's assistant under the circumstances.*

Sec. 3. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

- (a) That the applicant is of good moral character;
- (b) Except as otherwise provided in ~~subsection~~ **subsections 2 ~~[-]~~ and 5**, not less than 60 days before the date of the examination, that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

- (1) Anatomy;
- (2) Bacteriology;
- (3) Chiropractic theory and practice;
- (4) Diagnosis and chiropractic analysis;
- (5) Elementary chemistry and toxicology;
- (6) Histology;
- (7) Hygiene and sanitation;
- (8) Obstetrics and gynecology;
- (9) Pathology;
- (10) Physiology; and
- (11) Physiotherapy; and

(c) That the applicant:

- (1) Holds certificates which indicate that he or she has passed parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners; or

(2) Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in ~~subsection~~ **subsections 4 ~~1~~ and 5**, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. *If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:*

(a) Is accredited by the Council on Chiropractic Education; or

(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

Sec. 4. NRS 634.115 is hereby amended to read as follows:

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

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

3. ~~As~~ ***Except as otherwise provided in subsection 6, an*** application for a temporary license must be accompanied by a fee of \$50 and include:

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

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

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

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

4. A temporary license:

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

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

(c) Is not renewable.

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

6. *A chiropractic physician who applies for a temporary license solely for the purpose of providing chiropractic services to a patient in this State without remuneration is not required to pay the fee required pursuant to subsection 3.*

Sec. 5. NRS 634.130 is hereby amended to read as follows:

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

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

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

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

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

4. Except as otherwise provided in subsection 5, 6 or 8, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills.

Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

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

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

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

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

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

10. If a licensee fails to:

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

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

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

(d) Submit all information required to complete the renewal,
→ the license automatically expires and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

11. If a holder of a certificate as a chiropractor's assistant fails to:

- (a) Except as otherwise provided in subsection 9, pay the renewal fee by January 1 of an even-numbered year;
 - (b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;
 - (c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or
 - (d) Submit all information required to complete the renewal,
- ↳ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 6. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license expires pursuant to the provisions of subsection 10 of NRS 634.130 and the license was not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have an expired license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

- (I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;
- (II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

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

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

(b) Pay:

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

(2) The fee for reinstating a license to practice chiropractic which has expired ~~[-]~~; *and*

(3) *The fee for the processing of fingerprints established pursuant to subsection 4; and*

(c) *Submit a complete set of fingerprints and written permission authorizing the Board 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.*

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

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

(b) May require the applicant to:

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

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

4. *The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.*

Sec. 7. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) 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) A felony relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. ~~Gross or repeated malpractice.~~

~~5.]~~ Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

~~6.]~~ 5. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 8. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 192 specifies that the Chiropractic Physicians' Board of Nevada will pay the costs of a mental or physical exam required by the Board under Section 1 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 255 and 388 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 7, 8, 13, 94, 101, 103, 108, 248; Senate Bill No. 145 be placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 114 and 449 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblymen Hickey, Ohrenschall, Carlton, and Elliot Anderson.

ASSEMBLYMAN HICKEY:

Assembly Bill 7 prevents an uninsured motorist from collecting noneconomic damages for pain and suffering in a civil action arising from a traffic accident with an insured, at-fault driver unless the claimant was injured by a motorist who was driving while under the influence of drugs or alcohol, was a passenger in a motor vehicle he or she does not own, was not in any vehicle involved in the accident, fled from the scene of the accident, was a dependent, at the time of the accident, whose parents did not have insurance. Also, someone who had failed to maintain insurance coverage at the time of the accident, but had previously maintained motor vehicle insurance coverage and was notified at least 45 days before the accident of the cancellation or termination of the policy for failure to pay the premium, and is involved in a wrongful death claim.

This bill does not affect the amount that a plaintiff may recover for medical costs, for property damage, or loss of income as a result of an accident. Studies have shown that laws like this, in fact, lower insurance costs for all drivers. I urge your support.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 7. I have tremendous respect for my colleague from District 25, and I think the goal of universal auto insurance coverage is a good goal. It is

something we want—for all our citizens to have auto insurance so that the system will work. I think there are ways to try and do that. We have fines, we have criminal penalties. I think enhancing those may be an alternative. I think this route of going to victim's law and tort law is misguided. I do not think it is going to have the effect—I think we are going to come back in two years, and we are not going to see an increase in people who are covered.

Here is a brief example: Let us say we have two of our constituents who are neighbors. Both of them have fallen on hard times and they both decide they are going to skip a couple of months on their car insurance. They both head to work in the morning. One gets hit by a drunk driver; the other gets hit by somebody who knew they had bad brakes and decided not to do anything about it. Both are severely injured. Right now, the one who was hit by the drunk driver is going to have extra protections under Nevada law versus the other person who, but for the luck of the draw-did not ask to be hit, did not ask to be injured.

When you walk in the courthouse, Mr. Speaker, there is a sign that says Equal Justice Under Law. Unfortunately, under Assembly Bill 7, I see us creating two different categories of victims, not based on what they did, but based on luck of the draw in terms of who injured them.

ASSEMBLYWOMAN CARLTON:

I have a question for my colleague on Assembly Bill 7. He said something about reduction in insurance rates. I had not heard that in conjunction with this bill at all before now, so I have concerns, because I have sat through many, many hearings where we have changed a lot of the insurance code. There are so many ways to rate a person, depending upon their insurance zip code, age, age of car, credit rating, and many other components. I am not quite sure about this reduction in insurance premiums so that we can switch it onto someone else. I would like an explanation of that and what the amount of the reduction might be.

ASSEMBLYMAN HICKEY:

To my colleague from the south, a number of states have passed this bill, California being one of them. Studies have shown that over time, insurance costs are reduced. As you pointed out, insurance premiums are calculated on a number of factors, including in a given area or state, how many persons are uninsured. So over time, as more people comply with the law—and that is really what this bill is doing—it is rewarding those who have followed the law and not rewarding those who have not. But over time, I believe it does enter into the calculation and can lower our car insurance costs.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 7. Like my colleague from the south, I have tremendous respect for my colleague from District 25. I do take issue, though, with the premise of this bill. It operates on the premise that people are going to see this law, and they are going to start complying with insurance laws. People do not comply with insurance laws because they do not have the money to comply with insurance laws. It is not because they want to not have insurance.

I would also add that if Assembly Bill 7 passes, there is not going to be a sudden rush of people who go out and get insurance. They are going to find out about A.B. 7 once their lawyer tells them they can no longer get pain and suffering damages, so they cannot represent them on the case. A lawyer is not going to take recovery from the medical expenses. This bill would only allow medical expenses, and there is not lawyer who is going to take a third of a client's medical expenses. I fear this will block access to the courts—I am very concerned about that. There is no reason to shift the burden from the wrong-doer, the person who has caused the injury, to the victim who did nothing wrong. That is what this bill does, so I respectfully dissent and urge our body to defeat this measure.

Roll call on Assembly Bill No. 7:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dooling, Flores, Joiner, Kirkpatrick, Neal, Nelson, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 8.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 265.

AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; **prohibiting the use of restraints on children during court proceedings under certain circumstances unless ordered by the court;** prohibiting certain transfers 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.

Section 3.5 of this bill prohibits the use of an instrument of restraint on a child during a court proceeding, unless: (1) the restraint is necessary to prevent the child from inflicting harm on himself or herself or another person or to prevent the child from escaping the courtroom; and (2) there is not a less restrictive alternative to prevent such harm or escape. Section 3.5 further requires the court to hold a hearing to determine whether the use of an instrument of restraint on a child is necessary and to consider certain factors in making its determination. Under section 3.5, the court must make specific findings of fact and conclusions of law to support its determination.

Section 4 of this bill enacts provisions prohibiting the trafficking of children. **Section 4** provides that a person 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. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

*Sec. 3.5. **Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:***

1. An instrument of restraint may be used on a child during a court proceeding only if:

(a) The restraint is necessary to prevent the child from:

(1) Inflicting physical harm on himself or herself or another person;

or

(2) Escaping from the courtroom; and

(b) There is not a less restrictive alternative to prevent such physical harm or escape from the courtroom, including, without limitation, the presence of court personnel, law enforcement officers or bailiffs.

2. Whenever practical, the judge shall provide the:

(a) Child and his or her attorney an opportunity to be heard and contest the use of an instrument of restraint before the judge orders the use of an instrument of restraint.

(b) Prosecuting attorney an opportunity to be heard and argue that the use of an instrument of restraint is necessary pursuant to subsection 1.

3. In making a determination pursuant to subsection 2 as to whether an instrument of restraint is necessary pursuant to subsection 1, the court shall consider the following factors:

(a) Any previous escapes or attempted escapes by the child.

(b) Evidence of a present plan of escape by the child.

(c) A substantiated threat by the child to harm himself or herself or another person.

(d) A history of self-destructive tendencies by the child.

(e) Any substantiated threat of a rescue attempt by a person not in custody.

(f) Whether the child is subject to a proceeding for certification for criminal proceedings as an adult pursuant to NRS 62B.390.

(g) Any other factor that is relevant in determining whether the use of an instrument of restraint on the child is necessary pursuant to subsection 1.

4. The determination of the judge pursuant to subsection 2 must contain specific findings of fact and conclusions of law supporting the determination.

5. If an instrument of restraint is used on a child, the restraint must allow the child limited movement of his or her hands to hold any document or writing necessary to participate in the proceeding.

6. As used in this section, "instrument of restraint" includes, without limitation, handcuffs, chains, irons and straightjackets.

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 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, 159.205 or 159.215;

(e) A placement of a child that is approved by a court of competent jurisdiction; 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 Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Amendment 265 to Assembly Bill 8 prohibits the indiscriminate shackling of juveniles in delinquency court. It would allow for juveniles to be shackled where detention staff, prosecutors, and the judge feel there is a need to keep them shackled; however, it would prohibit indiscriminate shackling. It is very much based on the model policy we have in our Clark County juvenile court system.

There was a hearing on this issue in your Judiciary Committee. This was proposed as an amendment to Assembly Bill 213 at the hearing. There was quite a lot of discussion in support. There was no opposition to the amendment. Unfortunately, after the hearing our legal counsel told us it was not germane to Assembly Bill 213. It is germane to Assembly Bill 8, and that is why I am presenting it as an amendment to this measure. I urge its adoption.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 13 revises various provisions of the Uniform Interstate Family Support Act (UIFSA) in Nevada law to conform to federal law. This bill is effective upon passage and approval for the purpose of revising the effective dates of earlier amendments to the UIFSA in Nevada law and on July 1, 2015, for all other purposes.

The UIFSA, which is contained within Chapter 130 of *Nevada Revised Statutes* provides universal and uniform rules for the enforcement of family support orders. According to the Uniform Law Commission, 2014 federal legislation requires all states to enact the 2008 UIFSA amendments as a condition of continuing to receive federal funds for state child support programs. Failure to enact these amendments during the 2015 Legislative Session may result in the loss of important federal funding. I think it is important to note that 66 percent of Nevada's child support enforcement program funding comes from the federal government, and if we were to not comply with these amendments, we could also put our Temporary Assistance for Needy Families block grant in harm's way. I urge the body to support this measure.

Roll call on Assembly Bill No. 13:

YEAS—42.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 94 authorizes each county and city clerk to establish a system to distribute a sample ballot by electronic means to each registered voter who chooses to receive a sample ballot in this manner. The system may include electronic mail or electronic access through a website. A registered voter may choose to have an electronic mail address withheld from the public. I urge passage.

This is actually the brainchild of Washoe County Commissioner Vaughn Hartung. I want to make sure he gets credit for this. He did a lot of homework on this. It is really a great idea. It will save millions of dollars over time. It will substantially improve the ability of people to read sample ballots. The days of everything being printed, I am afraid, are slipping away. So I would urge this body to pass it. It saves money, it speeds up the process, it is just a great bill. I want to thank Mr. Hartung for bringing this to this body.

Roll call on Assembly Bill No. 94:

YEAS—42.

NAYS—None.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 101 exempts from the definition of "charter bus transportation" buses used to transport workers to and from certain work sites, including, without limitation, construction sites, mines, and renewable energy facilities in counties with a population of less than 100,000. This bill is effective upon passage and approval.

This bill was brought forward because at a lot of our mines, the workers cannot actually drive to the worksite. For the safety of the workers, buses are used to take everyone to one location. I believe this is a good bill, and I urge the body to pass it.

Roll call on Assembly Bill No. 101:

YEAS—42.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

The following amendment was proposed by Assemblyman Oscarson:

Amendment No. 271.

SUMMARY—Provides for the issuance of special license plates for veterans who are awarded the Silver Star or the Bronze Star Medal ~~with~~ with “V” device, Combat V or Combat Distinguishing Device. (BDR 43-22)

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 the Bronze Star Medal ~~with~~ with “V” device, Combat V or Combat Distinguishing Device. 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 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 the Bronze Star Medal ~~with~~ with “V” device, Combat V or Combat Distinguishing Device. 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 the Bronze Star Medal with “V” device, Combat V or Combat Distinguishing Device 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 the Bronze Star Medal with “V” device, Combat V or Combat Distinguishing Device 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 the Bronze Star Medal with “V” device, Combat V or Combat Distinguishing Device.

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 with “V” device, Combat V or Combat Distinguishing Device.

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.

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 the Bronze Star Medal ~~or~~ with "V" device, Combat V or Combat Distinguishing Device, 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.

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.

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 ~~§~~, **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~~ **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. 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. 10. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment adds language specifying that the provisions of the bill relating to the Bronze Star Medal recipients apply only to recipients who have been awarded the Bronze Star Medal with a "V" device, Combat V, or Combat Distinguishing Device.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 108 authorizes a court to vacate a judgment of conviction for trespassing, loitering in a gaming area, or loitering in violation of a local ordinance if the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude.

This is a clean-up measure for last session's human trafficking bill. In Las Vegas, in any gaming area particularly, you also have a lot of trespassing convictions that go along with the prostitution or solicitation charges. This is a way to ensure that victims of human trafficking can get a clean start. All of these provisions are supported by the District Attorney's Association. We have worked with them to ensure that we could get the right measure included and we could get it all in there this time.

Roll call on Assembly Bill No. 108:

YEAS—42.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 248 removes the requirement that a physician report all diagnosed cases of epilepsy to the State Board of Health, that in turn reports it to the Department of Motor Vehicles. Instead, when a physician determines a patient's epilepsy severely impairs his or her ability to safely operate a motor vehicle, a physician is required to notify the patient and obtain a signed statement acknowledging this notification. Should a patient refuse to sign an acknowledgement, a physician is authorized to sign a statement attesting to the notification provided.

This would align Nevada with best case practices in other states. By removing the mandatory reporting, patients will feel less encumbered reporting whether or not they have had a seizure, and I think it improves the safety of the citizens of this state.

Roll call on Assembly Bill No. 248:

YEAS—42.

NAYS—None.

Assembly Bill No. 248 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblyman O'Neill.

Potential ethics conflict declared by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

By way of disclosure, I would like to address an issue that came up during the April 2 work session in Assembly Transportation on S.B. 145. There was an allegation made in a document submitted to the committee that I should have made a disclosure related to the bill. Senate Bill 145 relates to the Program for Education of Motorcycle Riders that is administered by the Department of Public Safety. I have been an instructor with the Program in the past. In fact, there are over 100 instructors statewide that teach courses for the program as independent contractors. However, I am not currently certified as an instructor. In addition, because this involves a contract involving state money, it looks like NRS 218A.970 would preclude me from being an independently contracted instructor with the Program when the new state fiscal year begins on July 1.

I have checked with the Legislative Counsel and have determined that I do not have any conflict of interest with respect to S.B. 145 under Assembly Standing Rule 23. Since I do not have a conflict, I will be participating in the discussion and voting on this bill.

Senate Bill 145 authorizes a nonresident member of the Armed Forces of the United States, a reserve component thereof, or the National Guard who is stationed at a military installation in Nevada to enroll in the Program for the Education of Motorcycle Riders. This bill is effective upon passage and approval.

In the past, several military personnel assigned to Nevada who are nonresidents have attempted to take this course. We have had to reject them. This bill is trying to allow our active military personnel in Nevada to take the course at the state rate or state-sponsored course. I request all of you to vote for it.

Roll call on Senate Bill No. 145:

YEAS—41.

NAYS—Hickey.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 14, 19, 23, 24, 53, 57, 83, 116, 131, 132, 141, 143, 153, 164, 169, 183, 204, 250, 252, 273, 301, 384, 420, 422, 451, 456, 457; Senate Bill No. 109 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 6

Assemblyman Hansen moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:35 p.m.

ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

Also, your Committee on Education, to which was referred Assembly Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Judiciary.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Judiciary.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 51, 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 Transportation, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved to suspend paragraph 4 of Assembly Standing Rule 57 through April 10, 2015.

Remarks by Assemblyman Paul Anderson.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 299 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 375 be rereferred to the Committee on Judiciary.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 405 be rereferred to the Committee on Judiciary.

Motion carried.

Mr. Speaker appointed Assemblywomen Woodbury and Neal as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Crescent Hardy.

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 5:15 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Smith, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Settlemeyer and Assemblywoman Kirkpatrick to wait upon United States Representative Crescent Hardy and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Crescent Hardy, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Hardy and invited him to deliver his message.

Representative Hardy delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

It is great to be here. Thank you for being here yourself. I know how tough it can be to come and listen to somebody from Washington, D.C.

First, I would like to thank the Governor for being here as well as the Speaker and the Minority Leader. I think this is a great opportunity, and I really feel privileged to be here. I do not see the Chief Justice here, but I want to welcome him and the other constitutional officers, too. Ms. Carlton, great to see you, and it is good to be seen.

I have had the opportunity of serving at all levels of government. I have served at the local level, I have served at the county level, I have served at the state level, and now I am grateful for the opportunity to serve at the federal level. I can tell you that none of those positions is more special to me than being right here in this house with you folks. I could say I would like to be back here, and I probably truly would, but I believe that right now—for my beliefs and where I would so much like to go in life and the direction I would like to see things happen—I am in the right spot at the right time for me. That is because I believe in the value of our *Constitution* so much; it has the greatest value and has given us the greatest gifts over the years.

The government closest to the people is the best government. That is what your job is right here: to make sure that you do what is best for the state, right down to the local level. The federal government has the tendency of liking to make one size fit all, and in my personal opinion, that does not work at all—not in this state or any other state. I think over the years, states have lost the right, opportunity, and privilege to be the laboratories of industry that will help us compete. This body here and the Governor have done a great job of creating an economic environment. You have done that without the help of the federal government, but I can guarantee you the federal government always wants to take a little more from you as you go through life and have success. That should not happen.

One of the first bills I introduced was about an issue that is really important to me. There is not a lot you can do as an individual back there in D.C. in a house of 435 people. A business would never create that type of environment; it would have probably five or ten people in a committee. I think that and the political divide are some of the reasons we get a little bit dysfunctional back there. The first bill I had the opportunity to introduce was called the LAND Act. It actually restricts the federal government, the Department of Interior, from acquiring any more lands unless the budget is balanced. I think it is important that the government learn to live within its means. This bill does not mean they cannot continue to obtain from other entities lands that are important for environmental reasons and for parks and recreation. What it requests is if the government is going to try to do that and the budget is not balanced, then how about giving the states back lands that have potential for economic development. I think that is important for us to be able to compete at all state and national levels—to have our lands for taxation for education, for taxation for infrastructure, and others. That is one of those issues that is very important to me, so this bill is my way of hopefully accomplishing something.

Now I would like to talk about an issue that I seem to get a lot of publicity about, Yucca Mountain. You know, Nevadans may never want Yucca Mountain, and that is fine. We certainly will not let it be forced upon us. As long as this debate is limited to whether or not the feds are going to shove it down our throats, I will stand in strong opposition. But, there is a larger issue that I wanted to talk about when I highlighted this in my op ed in the [*Las Vegas*]

Review Journal. I wanted to talk about Yucca Mountain being the way that, in Congress, things are so polarized. We pick sides. We get our beliefs to where we think that we are right on all sides, for or against. That is what I believe has happened with Yucca Mountain. I believe that we need to take those opportunities to have that open discussion. Let us let the scientists come together and have their discussion, an open discussion. I have had the opportunity to meet with the Nuclear Regulatory Commission. I have had the opportunity today to meet with the Governor's staff. Both sides have fantastic arguments, and they need to be heard from all sides so the public can be educated.

That is what needs to happen in Washington, D.C. For too long, the middle ground has been missing in what we do. I hope that is not happening here. I think that we need to make sure that we always try to engage and take the opportunity to do what we think is best, not just for today, but for the future of Nevada, for our children and our grandchildren. That is important. I had the opportunity to serve here for two terms. As you know, one session was pretty divisive, and the last session I thought that we accomplished a lot because we did one thing: We got to know each other, thanks to the then-Speaker and her professional way of handling things. We came together to work on issues that were good for the state. I do not believe we could have accomplished what we did if she had not helped entice the opportunity for the southern Nevada caucus. Now, that should not be offensive to anybody. When we came together as a body, I was amazed after our first meeting how many issues we agreed on, and she did everything she could to make sure that we stayed away from those issues that neither side was going to agree on. It did not happen all the time, but she tried. That is what needs to happen here. We need to evaluate the issues. There are many tough issues that you need to deal with here in this house. I do not envy the opportunities you have, but it is the right place to have it happen. If I had my way, I would turn back to the state a whole lot more of the money that comes from our state so that you would not have to deal with some of these issues that you are having to deal with. I think we can better allocate that money as a state and in our communities.

As an individual, to go back to Washington and not really be the chosen one—and then to have the opportunity to serve on committees that could not fit me better—is amazing. To be on the House Committee on Transportation and Infrastructure—I have been a builder all my life, that is what I have done: roads, highways, bridges, dams, underground utilities, treatment facilities—and to be selected to be Vice Chairman of the Subcommittee on Highways and Transit is amazing. I think it is a real privilege, and I look forward to working on a long-term funding bill that will help ensure that we continue to improve our infrastructure. It is very important that we have strong infrastructure not only throughout our state, but also across the country for safety and many other reasons.

I am also on the Subcommittee on Railroads, Pipelines and Hazardous Materials and the Subcommittee on Water Resources and Environment. Those are issues that all fit Nevada, all issues that I think I have some pretty good expertise on. I also serve on the House Committee on Natural Resources and the Subcommittee on Energy and Mineral Resources. What state produces more minerals and energy opportunities than any other? It is right here in Nevada. And public lands—what other state has more federal land than the state of Nevada? As a businessperson for over 20 years, it was a privilege to be selected to the House Small Business Committee and to be the Chairman of the Subcommittee on Investigations, Oversight, and Regulations. I know first-hand what regulations can do to small businesses. They can encumber us so we cannot grow, we cannot expand. Ninety-five percent of this state is employed by small businesses; that is how important small businesses are.

On Monday, we had a groundbreaking on a very important project. I believe the I-11 corridor is one of the most important projects that will happen in quite some time, maybe in my lifetime. As you know, the Governor was there for the groundbreaking as well as the rest of the delegation; that is how important it was. Once the project is complete, it will increase our economic opportunities within gaming, small businesses, and large businesses that may be looking here now because of some of the actions that I have had the opportunity to work with you on, such as Tesla. I think people are now looking at the state of Nevada as a real place to come, grow their businesses, and create those business opportunities.

So with that being said, why am I here? I want to focus on long-term issues; I want to fix job opportunities. I believe you want to do the same. Our children and grandchildren should be our

focus, not just those short-term fixes that solve things today. We always need to look at the long term and where it works and how it is coming down the road.

National debt is one of those issues that I ran on. Fortunately, the state of Nevada has a balanced budget amendment that requires we live within our budget. I wish the federal government had the same. Today in our federal government, every man, woman, and child owes in debt \$154,000 per taxpayer. That is huge. Some people might take five or six years to obtain \$154,000. What can we do together? I believe that my obligation is to work for you, we the people. I want to know what I can do to help the federal government get out of your way, to let you perform the way you need to. I want to know the pros and cons of all your issues. I do not care what side of the aisle you are from—I want to know.

I have proven that I can work with both sides of the aisle in this house. I think that was the reason for some of the success we had last session—working both sides of the aisle. It is my hope that I can teach that a little bit back in Washington. I have already begun to meet with people on the other side of the aisle; it is important that I do. We may not agree, but we should never take things personally in this house. We should always make sure we retain those friendships and grow those friendships. This was an opportunity to have friendships that I will enjoy forever on both sides of the house, even with the lobbyists out there. I think there are some lifelong friendships out there. If you have taken this personally, that is your fault. It is an issue that we need to work on. Do not be offended, because I am a firm believer that you can only be offended if you choose to. With that, my commitment to you is that I will always have an open door, always listen to both sides, and I want to make sure my staff is available for you at any time to discuss those issues moving forward.

In closing, I have two very important people in my life who I would like to recognize. They each served here for six terms, for almost six terms; this will be their last. I would like to start with the gentleman—and by the way, Harvey, I am glad you made it here on time; I appreciate that. Assemblyman Munford has been a real advocate for his district. That is why he has been back here all six times. The people in his district love him. I have gotten to know the folks in his district. I have had the opportunity to be at his house at events, and it is amazing the turnout and the relationships he has developed. That is important. That is what our obligation is: to get out, work with our constituents, and expand that opportunity. I think we would be remiss if we did not give him a thank you and a round of applause for all he has done here in this house.

You can probably guess who the other one is going to be. You know, Assemblywoman Kirkpatrick and I developed a pretty good relationship. I am not so sure my wife is not sometimes jealous of our relationship. But we enjoy our time together. I think this lady was inspiring to me in getting to know her over the past four years. I like how she always takes the freshmen under her arm and makes sure they understand the policies and procedures. She always wants to get them to know. We could use a little of that back in Washington—teaching people how to move forward. Marilyn and I engaged in a little bit of loud vocabulary from time to time, but we are kind of kindred spirits. Both of us have a lack of vocabulary—we like to think it's a special one, call it rancher or farmer whatever you want—but if you only had the opportunity to be a fly on the wall some of the times during those discussions. But she is always listening. Ms. Kirkpatrick was a good Speaker of the house last session. I think she is a great Minority Leader this time. I think she is willing to work so long as everyone else is willing to work. It is important that we continue to work together. I would like to recognize her. I hope she actually gets the opportunity to use the spurs, the whip, and all that other stuff that we provided her last session. I appreciate her very much, and I think she deserves a wealth of recognition also.

If I could take a minute to have Assemblywoman Kirkpatrick and Assemblyman Munford come forward, I have a little token of my appreciation to give them. Congress has not been in session the last couple of weeks, so I have not been able to get this on the congressional record, but it will be. I really appreciate all they have done. They have both been statesmen. They have been good examples. The best we can do is leave office when it is time—I am not saying they are leaving office; maybe they want to run for another office—is to be the best statesman you can be; the best representative you can be; that example, that leader who brings people together.

I thank you for the opportunity to be here. Go to work, stop listening to these people from Congress, get your work done, and let us work together.

Senator Gustavson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Hardy for his timely, able, and constructive message.

Seconded by Assemblywoman Dickman.

Motion carried.

The Committee on Escort escorted Representative Hardy to the bar of the Assembly.

Assemblywoman Spiegel moved that the Joint Session be dissolved.

Seconded by Senator Hardy.

Motion carried.

Joint Session dissolved at 5:40 p.m.

ASSEMBLY IN SESSION

At 5:40 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Salvador Hernandez and Enrique Acuna.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cole Christensen, Reed Christensen, Cooper Christensen, and Race Christensen.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Jacki Ramirez and Andres Ramirez.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Perez and Antonio Gonzalez.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Roman Schromberg and Maria Perez.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Murrieta and Vivek Subramanian.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Arroyo.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Ruben R. Murillo, Jr. and Jeffrey Dominguez.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Manny Martinez and Sarah Layer.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Emmalee Bishop and Zackery O'Neill.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Martinez.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Delia Oliveri and Trevor Bexon.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Mallory Hansen-Trevino.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Aria Overli and Lorena Godina.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Elisa Cafferata and Ivon Padilla-Rodriguez.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Magnus and Amanda Cuevas.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Gil Lopez and Abimael Duran.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Hernandez and Adam Czajkowski.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Maria-Teresa Liebermann and Jessica Padron.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Leticia Servin and Jim Peckham.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Hernandez-Chavez and Ebeth Palafox.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Jaime Edrosa and Mariangel Hernandez.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Jakeline Duron and Maggie Salas Crespo.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Dulce Valencia Sanchez and Leobardo Chavez.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Arlene Rivera.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Alonso and Teresa Reynaga.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Dominique Groffman, Anne Jeton, and Louis Groffman.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 10, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:41 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly