

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 14, 2015

Assembly called to order at 12:34 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Wheeler and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

The Word of God, in Micah 6:8 says: "He has told you, what is good; and what the Lord requires of you: to do justice, to love kindness, and to walk humbly with your God." Heavenly Father, You have made it clear what we must do. We must do what is fair and just to those around us; we must be compassionate and loyal in our love. And, we must take You seriously and seek You with all our hearts.

Guide these leaders this day, we pray, in the mighty name of Jesus.

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 Commerce and Labor, to which were referred Assembly Bills Nos. 86, 93, 115, 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 65, 196, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 505, 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 was referred Assembly Bill No. 81, 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 Health and Human Services, to which were referred Assembly Bills Nos. 310, 463, 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.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 219, 262, 370, 414, 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 were referred Assembly Bills Nos. 16, 212, 214, 419, 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. 129, 195, 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. 223, 263, 267, 352, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 375, 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. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 32, 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 189, 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 Assembly Bill No. 480, 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 Commerce and Labor.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 481, 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 Commerce and Labor.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 10, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 164, 244.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 476.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 13, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 311, 318, 402, 458, 473.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 177, 418, 480.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.

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

Motion carried.

Assemblyman Thompson moved that Assembly Bill No. 156 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 51, 67, 100, 121, 139, 159, 252, 287, 288, 297, 301, 351, 384, 391, 420, 422, 424, 425, 429, 444, 451, 456, 457; Assembly Joint Resolution No. 1; Senate Bill No. 109 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

April 10, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 280.

CINDY JONES
Fiscal Analysis Division

April 10, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Joint Resolution No. 13.

MARK KRMPOTIC
Fiscal Analysis Division

April 14, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 414.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Roberson.

For: Senate Bill No. 77.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON ASSEMBLYMAN JOHN HAMBRICK
Senate Majority Leader *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 79.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON ASSEMBLYMAN JOHN HAMBRICK
Senate Majority Leader *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 92.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON ASSEMBLYMAN JOHN HAMBRICK
Senate Majority Leader *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 266.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 292.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 296.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 317.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 350.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 353.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 380.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 396.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 425.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 426.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 435.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 450.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 455.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 475.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Bill No. 483.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Joint Resolution No. 13.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

A Waiver requested by Senator Roberson.

For: Senate Joint Resolution No. 15.

To Waive:

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

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

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

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

Has been granted effective: Friday, April 10, 2015.

SENATOR MICHAEL ROBERSON

ASSEMBLYMAN JOHN HAMBRICK

Senate Majority Leader

Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 164.

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

Motion carried.

Senate Bill No. 177.

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

Motion carried.

Senate Bill No. 244.

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

Motion carried.

Senate Bill No. 311.

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

Motion carried.

Senate Bill No. 318.

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

Motion carried.

Senate Bill No. 402.

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

Motion carried.

Senate Bill No. 418.

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

Motion carried.

Senate Bill No. 458.

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

Motion carried.

Senate Bill No. 473.

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

Motion carried.

Senate Bill No. 476.

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

Motion carried.

Senate Bill No. 480.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

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

Amendment No. 21.

AN ACT relating to energy assistance; revising various provisions relating to the Fund for Energy Assistance and Conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Welfare and Supportive Services of the Department of Health and Human Services is required annually to report to the Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means concerning the amount of money in the Fund for Energy Assistance and Conservation which has been allocated to the Division during all preceding fiscal years and remains unspent and unencumbered. Based upon the report, the Division may be required to distribute as much as 30 percent of that money to the Housing Division of the Department of Business and Industry, to be used for programs of energy conservation, weatherization and energy efficiency. (NRS 702.270, 702.275)

~~Section 1 of this~~ **This** bill changes the due date of the report from the end of each fiscal year to January 5 of each year. ~~Section 1~~ **This bill** also limits the amount of money subject to distribution to the Housing Division to not more than 30 percent of the amount which has been allocated to and received by the Division of Welfare and Supportive Services, and remains unspent and unencumbered as of December 31 of the current fiscal year. ~~Pursuant to~~

~~NRS 218D.380, section 2 of this bill provides that the foregoing amendment expires by limitation 5 years after it becomes effective.]~~

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

Section 1. NRS 702.275 is hereby amended to read as follows:

702.275 1. ~~[Before the end of each fiscal]~~ ***On or before January 5 of each*** year, the Division of Welfare and Supportive Services shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or the Interim Finance Committee when the Legislature is not in session, which specifies the amount of all money in the Fund which was allocated to ***and received by*** the Division of Welfare and Supportive Services during all preceding fiscal years pursuant to NRS 702.260 and which remains unspent and unencumbered ~~[]~~ ***as of December 31 of the current fiscal year.***

2. Based upon the report submitted pursuant to subsection 1 and any other information available, the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or the Interim Finance Committee when the Legislature is not in session, may require the Division of Welfare and Supportive Services to distribute not more than 30 percent of all the money in the Fund which was allocated to ***and received by*** the Division of Welfare and Supportive Services during all preceding fiscal years pursuant to NRS 702.260 and which remains unspent and unencumbered ***as of December 31 of the current fiscal year*** to the Housing Division for the programs authorized by NRS 702.270. The Housing Division may use not more than 6 percent of the money distributed pursuant to this section for its administrative expenses.

Sec. 1.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 2. This act becomes effective on July 1, 2015 ~~[]~~ **and expires by limitation on June 30, 2020.**

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 21 to Assembly Bill 73 simply addresses the end date of the reporting requirements and the bill's effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

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

Amendment No. 115.

AN ACT relating to insurance; revising provisions governing certain duties of insurers with regard to coverage and claims for persons who are eligible for or provided medical assistance under Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires a state to place certain requirements upon health insurers with regard to the state plan for medical assistance. (42 U.S.C. 1396a) Consistent with one of these requirements, existing state law: (1) prohibits an insurer from taking into account the fact that a person is eligible for medical assistance under Medicaid when considering the person's eligibility for coverage or when making payments under a policy of health insurance or group health policy; (2) requires an insurer to treat Medicaid as having a valid and enforceable assignment of the recipient of Medicaid's right to payment by the insurer or other specified entity; (3) prohibits an insurer from imposing additional requirements on a state agency that is assigned any rights of an insured who is eligible for medical assistance under Medicaid; (4) requires an insurer to provide, upon request, certain information concerning an insured who is eligible for medical assistance under Medicaid to a state agency that is assigned any rights of the insured; (5) requires an insurer to respond to inquiries by such a state agency concerning a claim for payment for any medical item or service not later than 3 years after the date of provision of the medical item or service; and (6) requires an insurer to agree not to deny a claim by such a state agency solely on the basis of certain procedural reasons if the state agency submits the claim not later than 3 years after the date of the provision of medical item or service and the state agency commences any action to enforce its rights with respect to the claim not later than 6 years after submission of the claim. (42 U.S.C. 1396a(25)(I); NRS 689A.430, 689B.300) Existing state law also defines the term "insurer" for the purposes of the Nevada Insurance Code to include "every person engaged as principal and as indemnitor, surety or contractor in the business of entering into contracts of insurance." (NRS 679A.100)

Sections 1 and 2 of this bill expressly provide, consistent with federal law, that all of the provisions of existing state law described above relating to Medicaid apply to insurers, including, without limitation, self-insured plans, group health plans as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1167(1), service benefit plans, ~~[pharmacy benefit managers and]~~ other organizations that have issued a policy of health insurance or a group health policy ~~[]~~ **and any other parties described in the Social Security Act as being legally responsible for payment of a claim for a health care item or service.**

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

Section 1. NRS 689A.430 is hereby amended to read as follows:

689A.430 1. An insurer shall not, when considering eligibility for coverage or making payments under a policy of health insurance, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, an insurer : ~~[, self insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C.A. 1167(1), service benefit plan or other organization that has issued a policy of health insurance:]~~

(a) Shall treat Medicaid as having a valid and enforceable assignment of an insured's benefits regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by the policy, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any right of a recipient of Medicaid to reimbursement against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its insured.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a policy of health insurance,

↪ the insurer that issued the policy shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the policy.

4. If a state agency is assigned any rights of an insured who is eligible for medical assistance under Medicaid, an insurer shall:

(a) Upon request of the state agency, provide to the state agency information regarding the insured to determine:

(1) Any period during which the insured or the insured's spouse or dependent may be or may have been covered by the insurer; and

(2) The nature of the coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured and the identifying number of the policy, evidence of coverage or contract;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim

form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

5. *As used in this section, “insurer” includes, without limitation, a self-insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1167(1), service benefit plan ~~[-, pharmacy benefit manager]~~ or other organization that has issued a policy of health insurance ~~[-]~~ or any other party described in section 1902(a)(25)(A), (G) or (I) of the Social Security Act, 42 U.S.C. 1396a(a)(25)(A), (G) or (I), as being legally responsible for payment of a claim for a health care item or service.*

Sec. 2. NRS 689B.300 is hereby amended to read as follows:

689B.300 1. An insurer shall not, when considering eligibility for coverage or making payments under a group health policy, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, an insurer : ~~[-, self-insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C.A. 1167(1), or other organization that has issued a group health policy:]~~

(a) Shall treat Medicaid as having a valid and enforceable assignment of an insured’s benefits regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by the policy, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any rights of a recipient of Medicaid to reimbursement against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its insured.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a group health policy,

↪ the insurer that issued the policy shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the policy.

4. If a state agency is assigned any rights of an insured who is eligible for medical assistance under Medicaid, an insurer shall:

(a) Upon request of the state agency, provide to the state agency information regarding the insured to determine:

(1) Any period during which the insured or the spouse or dependent of the insured may be or may have been covered by the insurer; and

(2) The nature of the coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured and the identifying number of the policy;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

5. *As used in this section, "insurer" includes, without limitation, a self-insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1167(1), service benefit plan ~~f, pharmacy benefit manager~~ or other organization that has issued a group health policy ~~f, or any other party described in section 1902(a)(25)(A), (G) or (I) of the Social Security Act, 42 U.S.C. 1396a(a)(25)(A), (G) or (I), as being legally responsible for payment of a claim for a health care item or service.~~*

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

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 115 to Assembly Bill 87 removes the phrase "pharmacy benefit manager" from the list of entities considered to be insurers subject to the requirements of the legislation. It instead inserts a reference to federal statute describing the third-party entities which may be liable for payment for care or services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 104.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time.

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

Amendment No. 245.

AN ACT relating to contractors; revising provisions regarding the advertising of construction services and the soliciting of construction bids; increasing penalties for certain violations of provisions governing contractors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons engaged in certain construction work to be licensed contractors, regulates the activities of licensed contractors, prohibits persons from making certain advertising claims about themselves as contractors, and provides criminal and monetary penalties for violations of the preceding provisions. (Chapter 624 of NRS)

Under existing law, it is unlawful for a licensed contractor or an applicant to become a licensed contractor to misrepresent a material fact in connection with any information or evidence furnished officially to the State Contractors' Board. (NRS 624.3013) **Section 2** of this bill expands the prohibition to include omissions of material facts as well as misrepresentations.

Section 3 of this bill adds the solicitation of a bid or estimate from ~~a an unlicensed~~ person **known by a licensed contractor to be unlicensed** to the list of acts for which a licensed contractor may be subject to disciplinary action. ~~[In addition, section 3 mandates the suspension or revocation of the license of any contractor who engages in certain acts.]~~

Existing law prohibits licensed contractors and other persons from engaging in certain acts of advertising that are false or misleading. (NRS 624.720) **Section 5** of this bill: (1) requires any person who advertises to perform or complete construction work or a work of improvement, and who is not a licensed contractor, to affirmatively state in the advertisement that they are not licensed; and (2) makes it unlawful for any person to advertise to perform or complete construction work or a work of improvement using a license number not assigned to that person.

Section 6 of this bill increases the monetary fines that may be imposed for violations of certain provisions of chapter 624 of NRS. ~~[Sections 1 and 2]~~ **In addition, section 6 provides for an enhancement of such monetary fines under certain circumstances.**

Section 4 of this bill ~~[make]~~ **makes** conforming changes.

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

Section 1. ~~[NRS 624.300 is hereby amended to read as follows:
624.300 1. Except as otherwise provided in subsections 3 and 5, the Board may:
(a) Suspend or revoke licenses already issued;
(b) Refuse renewals of licenses;
(c) Impose limits on the field, scope and monetary limit of the license;
(d) Impose an administrative fine of not more than \$10,000;~~

~~—(e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;~~

~~—(f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:~~

~~—(1) Perform the corrective work himself or herself;~~

~~—(2) Hire and pay another licensee to perform the corrective work; or~~

~~—(3) Pay to the owner of the construction project a specified sum to correct the condition; or~~

~~—(g) Issue a public reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee,~~

~~if the licensee commits any act which constitutes a cause for disciplinary action.~~

~~2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.~~

~~3. If a licensee violates:~~

~~—(a) The provisions of *subsection 1 of NRS 624.3014*, subsection 2 or 3 of NRS 624.3015, subsection 1 of NRS 624.302 or subsection 1 of NRS 624.305, the Board may impose for each violation an administrative fine in an amount that is not more than \$50,000.~~

~~—(b) The provisions of subsection 4 of NRS 624.3015:~~

~~—(1) For a first offense, the Board shall impose an administrative fine of not less than \$1,000 and not more than \$50,000, and may suspend the license of the licensee for 6 months;~~

~~—(2) For a second offense, the Board shall impose an administrative fine of not less than \$5,000 and not more than \$50,000, and may suspend the license of the licensee for 1 year; and~~

~~—(3) For a third or subsequent offense, the Board shall impose an administrative fine of not less than \$10,000 and not more than \$50,000, and may revoke the license of the licensee.~~

~~—(c) The provisions of subsection 7 of NRS 624.302, the Board shall, in addition to any other disciplinary action taken pursuant to this section, impose an administrative fine of \$1,000.~~

~~4. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to subsection 3. The standards must include, without limitation, provisions requiring the Board to consider:~~

~~—(a) The gravity of the violation;~~

- ~~—(b) The good faith of the licensee; and~~
- ~~—(c) Any history of previous violations of the provisions of this chapter committed by the licensee.~~
- ~~—5. If a licensee is prohibited from being awarded a contract for a public work pursuant to NRS 338.017, the Board may suspend the license of the licensee for the period of the prohibition.~~
- ~~—6. If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.~~
- ~~—7. If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.~~
- ~~—8. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.~~
- ~~—9. The Board shall not issue a private reprimand to a licensee.~~
- ~~—10. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~
- ~~—11. An administrative fine imposed pursuant to this section or NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest must be collected from the date of the order until the date the administrative fine is paid.~~
- ~~—12. All fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.] **(Deleted by amendment.)**~~

Sec. 2. NRS 624.3013 is hereby amended to read as follows:

624.3013 The following acts, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Failure to keep records showing all contracts, documents, receipts and disbursements by a licensee of all of the licensee's transactions as a contractor and to keep them open for inspection by the Board or Executive Officer for a period of not less than 3 years after the completion of any construction project or operation to which the records refer.

2. Misrepresentation *or omission* of a material fact by an applicant or licensee in connection with any information or evidence furnished the Board in connection with official matters of the Board.

3. Failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the Board.

4. Failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board.

5. Failure in any material respect to comply with the provisions of this chapter or the regulations of the Board.

Sec. 3. NRS 624.3014 is hereby amended to read as follows:

624.3014 ~~##~~ The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. ~~##~~ Acting in the capacity of a contractor under any license issued hereunder except:

(a) ~~##~~ In the name of the licensee as set forth upon the license.

(b) ~~##~~ As an employee of the licensee as set forth in the application for such license or as later changed pursuant to this chapter and the rules and regulations of the Board.

2. ~~##~~ With the intent to evade the provisions of this chapter:

(a) ~~##~~ Aiding or abetting an unlicensed person to evade the provisions of this chapter.

(b) ~~##~~ Combining or conspiring with an unlicensed person to perform an unauthorized act.

(c) ~~##~~ Allowing a license to be used by an unlicensed person.

(d) ~~##~~ Acting as agent, partner or associate of an unlicensed person.

(e) ~~##~~ Furnishing estimates or bids to an unlicensed person.

~~##~~ ~~##~~ ~~(f)~~ *Soliciting a bid or estimate from ~~an unlicensed~~ a person ~~known by the licensee to be unlicensed pursuant to this chapter.~~*

3. Any attempt by a licensee to assign, transfer or otherwise dispose of a license or permit the unauthorized use thereof.

~~##~~ ~~2.~~ ~~Any person licensed pursuant to this chapter who violates any provision of this section shall, in addition to any other penalties provided for in this chapter, be subject to:~~

~~##~~ ~~(a)~~ ~~For a first offense, suspension of that person's license for a period of not less than 6 months.~~

~~##~~ ~~(b)~~ ~~For any subsequent offense, revocation of that person's license.~~

Sec. 4. NRS 624.710 is hereby amended to read as follows:

624.710 1. If any person violates the provisions of subsection 1 of NRS 624.700, ~~subsection 1, 2 or 3~~ *subsections 1 to 5, inclusive*, of NRS 624.720, or NRS 624.740, the Board may impose for each violation an administrative fine in an amount that is not less than \$1,000 and not more than \$50,000.

2. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the person; and

(c) Any history of previous violations of the provisions of this chapter or the regulations of the Board committed by the person.

3. An administrative fine imposed pursuant to this section is in addition to any other penalty imposed pursuant to this chapter.

4. If the administrative fine and any interest imposed pursuant to NRS 624.300 is not paid when due, the fine and interest, if any, must be recovered in a civil action brought by the Attorney General on behalf of the Board.

5. All administrative fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

Sec. 5. NRS 624.720 is hereby amended to read as follows:

624.720 1. It is unlawful for any person, including a person exempt under the provisions of NRS 624.031, to advertise as a contractor unless the person has a license in the appropriate classification established by the provisions of NRS 624.215 and 624.220.

2. *Notwithstanding any other provision of this chapter, any person not licensed pursuant to the provisions of this chapter who advertises to perform or complete construction work or a work of improvement must state in the advertisement that he or she is not licensed pursuant to this chapter.*

3. It is unlawful for a licensed contractor to disseminate, as part of any advertising by the contractor, any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the contractor or to enter into any contract with the contractor or any obligation relating to such a contract.

~~3~~ 4. All advertising by a licensed contractor must include the name of the contractor's company and the number of the contractor's license.

~~4~~ 5. *It is unlawful for any person, whether or not licensed pursuant to this chapter, to advertise to perform or complete construction work or a work of improvement using a license number that does not correspond to a valid license issued to that person under this chapter.*

6. If, after giving notice and holding a hearing pursuant to NRS 624.291, the Board determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

~~{5-}~~ 7. If a person fails to comply with paragraph (a) of subsection ~~{4}~~ 6 within 5 days after receiving an order pursuant to subsection ~~{4-}~~ 6, the Board may request the Public Utilities Commission of Nevada to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection ~~{4}~~ 6 within 5 days after receiving an order pursuant to subsection ~~{4-}~~ 6, the Board may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

~~{6-}~~ 8. If the provider of paging services receives a request from a person pursuant to subsection ~~{4}~~ 6 or a request from the Board pursuant to subsection ~~{5-}~~ 7, it shall:

- (a) Disconnect the paging service to the person; or
- (b) Switch the beeper number of the paging service provided to the person.

↪ If the provider of paging services elects to switch the number pursuant to paragraph (b), it shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

~~{7-}~~ 9. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "contractor" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 6. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, ~~subsection 1 of~~ NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.

2. ~~Unless~~ **Except as otherwise provided in subsection 3 and unless** a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not ~~more~~ **less** than \$1,000 ~~nor more than \$4,000~~, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than ~~[\$2,000]~~ **\$4,000** nor more than ~~[\$4,000]~~ **\$10,000**, and may be further punished by imprisonment in the county jail for not more than 364 days.

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than ~~[\$5,000]~~ **\$10,000** nor more than ~~[\$10,000]~~ **\$20,000**, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. If a person is guilty of a violation of subsection 1 of NRS 624.700, the maximum fines set forth in subsection 2 may be exceeded by adding thereto a fine enhancement of not more than 10 percent of the value of any contract that the person entered into in violation of subsection 1 of NRS 624.700, if that person commenced any work or received any money relating to the contract.

4. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

~~**4.**~~ **5.** Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection ~~**3.**~~ **4.**:

(a) If the amount of money wrongfully diverted is \$1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(b) If the amount of money wrongfully diverted is more than \$1,000, is guilty of a category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

~~**5.**~~ **6.** Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

The amendment removes provisions related to additional punishments for violations of NRS 624.3014 and requires that a licensee must solicit a bid or estimate from a person known by the licensee to be unlicensed in order for the Board to impose discipline.

The amendment also allows the Board to exceed limitations on the dollar amounts of certain fines by adding a fine enhancement of up to 10 percent of the value of the contract under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

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

Amendment No. 244.

AN ACT relating to the security of personal information; expanding the definition of "personal information"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the types of information that constitute "personal information" for the purpose of requiring business entities who collect such information to provide certain security measures to ensure the protection of the information. (Chapter 603A of NRS) This bill expands the definition of "personal information" to include such items of information as electronic mail addresses and passwords, ~~passport numbers,~~ **driver's authorization card numbers,** medical and health insurance identification numbers ~~and electronic signatures~~ and other similar information. ~~[that would increase a person's likelihood of becoming a victim of identity theft.]~~

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

Section 1. ~~[Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 2. ~~["Digital signature" has the meaning ascribed to it in NRS 720.060.] (Deleted by amendment.)~~

Sec. 3. ~~["Digitized signature" has the meaning ascribed to it in NRS 133.085.] (Deleted by amendment.)~~

Sec. 4. ~~["Electronic signature" has the meaning ascribed to it in NRS 719.100.] (Deleted by amendment.)~~

Sec. 5. ~~["Identity theft" has the meaning ascribed to it in NRS 205.4651.] (Deleted by amendment.)~~

Sec. 6. ~~["Personal identifying information" has the meaning ascribed to it in NRS 205.4617.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 603A.010 is hereby amended to read as follows:
603A.010 As used in this chapter, unless the context otherwise requires,
the words and terms defined in NRS 603A.020, 603A.030 and 603A.040,
and sections 2 to 6, inclusive, of this act have the meanings ascribed to them
in those sections.] (Deleted by amendment.)~~

Sec. 8. NRS 603A.040 is hereby amended to read as follows:

603A.040 1. "Personal information" means a ~~the~~

~~(a) A~~ natural person's first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:

~~[1. (1)] (a)~~ Social security number.

~~[2. (2)] (b)~~ Driver's license number, *driver authorization card number* or identification card number.

~~[3. (3)] (c)~~ Account number, credit card number or debit card number, ~~alone or~~ in combination with any required security code, access code ~~or personal identification number~~ or password that would permit ~~allow~~ access to the person's financial account.

~~[4.]~~

~~(4) Number that identifies a natural person individually, including, without limitation, a~~

~~(d) A medical identification number ~~and~~ or a health insurance identification number.~~

~~(5) Passport number.~~

~~(6) Unique number issued by the Government of the United States.~~

~~(b)] (e) A user name, unique identifier or electronic mail address in combination with ~~the~~~~

~~(1) A] a password ~~or~~, access code or~~

~~(2) A] security question and answer that would ~~allow~~ permit access to ~~any~~ an online account, ~~of a natural person that is hosted or located on an Internet website.~~~~

~~(c) An original or copy of a natural person's digital signature, digitized signature or electronic signature.~~

~~(d) A natural person's name and date of birth, or address, in combination with other information that would increase the likelihood of the person becoming a victim of identity theft.~~

~~(e) A natural person's personal identifying information, to the extent that such information is not otherwise described in this section.]~~

2. The term does not include the ~~the~~

~~(a) The] last four digits of a social security number, the ~~the~~~~

~~(b) The] last four digits of a driver's license number, ~~or~~ the ~~the~~~~

~~(c) The] last four digits of a driver authorization card number ~~or~~~~

~~(d) The] or the] last four digits of an identification card number or publicly ~~the~~~~

~~(e) Publicly] available information that is lawfully made available to the general public ~~or~~~~

~~(f) Information that is required to be made publicly available pursuant to federal law.] from federal, state or local governmental records.~~

Sec. 8.5. Notwithstanding the provisions of section 9 of this act, a data collector, as that term is defined in NRS 603A.030, or a business is not required to comply with the amendatory provisions of this act until July 1, 2016.

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

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 244 to Assembly Bill 179 expands the definition of "personal information" to include a driver authorization card number, a medical identification number or health insurance identification number, and a user name, unique identifier, or email address, in combination with a password, access code, or a security question and answer that would permit access to an online account. The amendment also provides that businesses and data collectors would have until July 1, 2016, to comply.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time and ordered to third reading.

Assembly Bill No. 300.

Bill read second time and ordered to third reading.

Assembly Bill No. 320.

Bill read second time and ordered to third reading.

Assembly Bill No. 345.

Bill read second time and ordered to third reading.

Assembly Bill No. 355.

Bill read second time and ordered to third reading.

Assembly Bill No. 399.

Bill read second time and ordered to third reading.

Assembly Bill No. 403.

Bill read second time and ordered to third reading.

Assembly Bill No. 410.

Bill read second time and ordered to third reading.

Assembly Bill No. 415.

Bill read second time.

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

Amendment No. 341.

AN ACT relating to water; revising provisions relating to the use of water on certain lands in a federal reclamation project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a water right is generally considered to be appurtenant to, or belong to, the land where it is used. Existing law provides that a surface water right acquired by a water user in a federal reclamation project is considered under certain circumstances to be appurtenant to an entire farm rather than particular land within the farm. In this context, a "farm" is defined to be a tract of land that is under the same ownership and primarily used for agricultural purposes. (NRS 533.040) This bill revises the definition to include two or more tracts of land ~~under common ownership~~ **that are owned or leased by the same person** and **are** primarily used for agricultural purposes, regardless of whether the tracts are contiguous to one another.

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

Section 1. NRS 533.040 is hereby amended to read as follows:

533.040 1. Except as otherwise provided in this section, any water used in this State for beneficial purposes shall be deemed to remain appurtenant to the place of use.

2. If at any time it is impracticable to use water beneficially or economically at the place to which it is appurtenant, the right may be severed from the place of use and be simultaneously transferred and become appurtenant to another place of use, in the manner provided in this chapter, without losing priority of right.

3. The provisions of this section do not apply to a ditch or canal company that appropriates water for diversion and transmission to the lands of private persons for an annual charge.

4. For the purposes of this section, a surface water right acquired by a water user in a federal reclamation project may be considered appurtenant to an entire farm, instead of specifically identifiable land within that farm, upon the granting of a permit for the change of place of use by the State Engineer which designates the place of use as the entire farm. The quantity of water available for use on that farm must not exceed the total amount determined by applicable decrees as designated in the permit granted by the State Engineer.

5. For the purposes of this section, a water right acquired for watering livestock by a person who owns, leases or otherwise possesses a legal or proprietary interest in the livestock being watered is appurtenant to:

(a) The land on which the livestock is watered if the land is owned by the person who possesses a legal or proprietary interest in the livestock; or

(b) Other land which is located in this State, is benefited by the livestock being watered and is capable of being used in conjunction with the livestock operation of the person who owns the land if that land is owned by the person who possesses the legal or proprietary interest in the livestock being watered.

6. The provisions of subsection 5 must not be construed:

(a) To impair a vested right or other existing water right established before June 12, 2003, of a person to the use of water for the purpose of watering livestock; or

(b) To prevent any transfer of ownership of a water right for the purpose of watering livestock.

7. As used in this section, "farm" means a tract of land ~~under the same ownership~~ that is ***owned or leased by the same person and is*** primarily used for agricultural purposes. ***The term includes two or more such tracts of land, regardless of whether the tracts are contiguous to one another.***

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Under the proposed amendment, the provisions of this bill would apply to land leased for the purposes of agricultural irrigation on a farm within a federal reclamation project.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time and ordered to third reading.

Assembly Bill No. 447.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 104, 241, 300, 345, 355, 399, 403, and 410 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 156.

Bill read third time.

The following amendment was proposed by Assemblyman Thompson:

Amendment No. 340.

AN ACT relating to public welfare; revising the manner in which the Director of the Department of Health and Human Services determines whether a community is at-risk for purposes of provisions relating to family resource centers; requiring a family resource center to obtain input from certain elected officials when creating an action plan; requiring a case manager at a family resource center to collect and analyze data to monitor the performance of certain responsibilities by members of families receiving

services from the family resource center; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “family resource center” as a facility within an at-risk community where families may obtain: (1) an assessment of their eligibility for social services; (2) social services; and (3) referrals to obtain social services from other service agencies or organizations. (NRS 430A.040) **Section 1** of this bill revises the definition of “at-risk community” to require the Director of the Department of Health and Human Services to use data and demographic analyses to determine whether a community is “at-risk.” In addition, **section 1** requires the Director, when making such a determination, to consider the number of families in the community who ~~[(1) have incomes that are less than 200 percent of the federally designated level signifying poverty instead of the number of families in the community who have low incomes; and (2)]~~ are at imminent risk of homelessness in addition to the number of families in the community who are transient. **Section 2** of this bill clarifies that a family resource center is a facility where families may obtain social services directly from the center.

Before a family resource center may obtain a grant from the Director, existing law requires the family resource center to create an action plan which must be approved by the Director. Such an action plan must be developed with input from members of the family resource center council, an organization of community members who assist and advise the family resource center. (NRS 430A.045, 430A.120, 430A.140) **Sections 3 and 4** of this bill require the family resource center also to develop the plan with input from local and state elected officials who represent the geographic area in which the family resource center is located when creating the action plan.

Existing law requires a case manager to develop a plan with each family that seeks services from a family resource center and requires that the plan specify the responsibilities the family members must fulfill to remain eligible for services. (NRS 430A.170) **Section 5** of this bill requires the case manager to collect and analyze data to monitor the performance of these responsibilities by the family members.

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

Section 1. NRS 430A.020 is hereby amended to read as follows:

430A.020V “At-risk community” means a geographic area that the Director has declared , *based on an analysis of demographics and data*, to be in need of social and economic assistance and social service programs because of the number of families who reside there who:

1. Have low incomes ; ~~[that are less than 200 percent of the federally designated level signifying poverty;]~~
2. Are transient ~~[(1)]~~ or *at imminent risk of homelessness; or*

3. Have members whose ability to excel in academics, work and social situations is impaired by the educational, economic and social situation of the family as a unit.

Sec. 2. NRS 430A.040 is hereby amended to read as follows:

430A.040 "Family resource center" means a facility within an at-risk community where families may obtain:

1. An assessment of their eligibility for social services;
2. Social services ~~and~~ **directly from the family resource center;** and
3. Referrals to obtain social services from other social service agencies or organizations.

Sec. 3. NRS 430A.120 is hereby amended to read as follows:

430A.120 The Director shall adopt such regulations as are necessary to carry out the provisions of this chapter. The regulations must provide:

1. Criteria for evaluating and determining the geographic boundaries for at-risk communities.

2. A method for establishing family resource centers, which must include the option of designating existing organizations as family resource centers.

3. Criteria for evaluating and approving action plans. The criteria must provide that no action plan will be approved unless it is:

(a) Tailored to meet the specific needs of the community;

(b) Developed with input from members of the family resource center council ~~and~~ **and local and state elected officials who represent the geographic area in which the family resource center is located;** and

(c) Feasible in relation to the resources available to the family resource center to which the action plan applies.

4. Criteria for the establishment and composition of a family resource center council.

Sec. 4. NRS 430A.140 is hereby amended to read as follows:

430A.140 1. Before a family resource center may obtain a grant from the Director, the family resource center:

(a) Must submit to the Director an action plan created by the family resource center with input from the family resource center council ~~and~~ **and local and state elected officials who represent the geographic area in which the family resource center is located;** and

(b) Must obtain approval from the Director of that action plan.

2. An action plan must be resubmitted to the Director for approval:

(a) On or before July 1 of each year; and

(b) Any time the family resource center adopts a proposed amendment to the action plan.

Sec. 5. NRS 430A.170 is hereby amended to read as follows:

430A.170 1. Each family resource center must have a case manager and may have a coordinator to handle administrative matters. If a family resource center does not employ a separate person to act as coordinator, the case manager shall also act as coordinator.

2. The Director shall provide training for all case managers on how to assess the needs of families using the family resource center.

3. The case manager shall, for each family that seeks services from the center ~~[-, develop]~~ :

(a) **Develop** a plan with the family which specifies:

~~[(a)]~~ (1) The services for which the family is eligible;

~~[(b)]~~ (2) Whether the family will receive services from the family resource center or a social service agency, or both;

~~[(c)]~~ (3) The responsibilities the family members must fulfill to remain eligible for the services; and

~~[(d)]~~ (4) The manner in which the performance of responsibilities by the agency and the family members will be monitored ~~[-]~~; **and**

(b) **Collect and analyze data to monitor the performance by the family members of the responsibilities prescribed in the plan.**

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Amendment 340 to Assembly Bill 156 removes the federal poverty level requirement to ensure that low-income families can be served as previously stated in statute.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblymen Silberkraus, Carlton, and Ellison.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 24 allows the state to deduct from the officer's or employee's paycheck any amounts required to pay off a delinquent balance on a state-issued travel charge card that has not been paid by the officer or employee or to pay an amount deducted from or offset against any rebate issued to the state by the issuer of the charge card related to the delinquent balance.

ASSEMBLYWOMAN CARLTON:

I understand the purpose behind the bill and the current situation we have. If there is a dispute over these delinquent charges, they will not be sent for garnishment. Currently, the employee has to give permission for this to be deducted. Will this change from a permission system to just a notification system and then the amounts will be deducted?

ASSEMBLYMAN ELLISON:

We met with the presenters of the bill, and they said the employee would be notified if there were questions on the bill. At that point, they would have a chance to agree or disagree with it. If they did not then it would not be charged to their account.

Roll call on Assembly Bill No. 24:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 43 makes various changes to provisions governing public works projects. The bill provides that instead of certain documents or other information submitted to the Department of Transportation by a person seeking a contract for a design-build project or a transportation facility project remaining confidential until the contract is awarded, they remain confidential only until a notice of intent to award the contract is issued. Similarly, this bill provides that certain documents or other information submitted to a public body by a construction manager at risk seeking a contract with a public body for a public works project are confidential only until a notice of intent to award the contract is issued. A public body or its authorized representative is required to make certain information determined by a panel that ranked the proposals and a separate panel that conducted the interviews of the selected applicants available to all applicants and the public. This bill is effective upon passage and approval. Provisions concerning information provided by construction managers at risk and from panels ranking proposals and conducting interviews expire by limitation on June 30, 2017.

Roll call on Assembly Bill No. 43:

YEAS—39.

NAYS—Carlton.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:23 p.m.

ASSEMBLY IN SESSION

At 1:26 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 48 provides that a person convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with Medicaid is not entitled to file a petition for sealing the record until at least seven years after the person is released from custody or the date when the person is no longer under a suspended sentence, whichever occurs later. The court is required to notify the Attorney General if such a petition is filed. The provisions of the Nevada False Claims Act are revised to achieve compliance with the federal Deficit Reduction Act of 2005. The maximum share of any recovery to which a private plaintiff is

entitled in certain qui tam actions is reduced from 33 percent to 25 percent if the Attorney General intervenes at the outset of the action. The maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions, if the Attorney General does not intervene at the outset of the action, is reduced from 50 percent to 33 percent.

Roll call on Assembly Bill No. 48:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 57 revises provisions contained within NRS 360B.281 governing the taxation of certain purchases of direct mail, to ensure Nevada's continued compliance with the Streamlined Sales and Use Tax Agreement. We have participated in the Streamlined Sales and Use Tax Agreement for many years. We are one of 26 states and every session, we have to keep up with where they are on the Congressional level in case Congress does enact it. This is making sure that if Congress enacts it, we have complied with all of the rules so we are ready to go.

Roll call on Assembly Bill No. 57:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Trowbridge—10.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Assembly Bill 79 deletes obsolete provisions related to state grazing boards and revises the procedures for determining the compensation of owners of animals destroyed due to infection or exposure to dangerous diseases. The bill also provides for the deposit of administrative fines for violations relating to the control of animal diseases into both a loan program for young people engaged in agriculture and the Account for the Control of Weeds. The measure also revises the definition of "food establishment."

With respect to statutes related to agricultural products and seeds, the bill adds civil penalty provisions for the violation of such statutes and repeals the criminal penalties. Finally, A.B. 79 repeals criminal penalties relating to the regulation of garlic, onions, and commercial livestock feed.

Roll call on Assembly Bill No. 79:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 92 requires the State Registrar of Vital Statistics to prepare and file a birth certificate for a child which shows the intended parent or parents upon the receipt of a Nevada district court order for a gestational agreement issued. After the birth certificate is filed, the State Registrar will seal and file the order and the original birth certificate, if any. Lastly, only an order validating a gestational agreement issued by a district court in Nevada for an action originally commenced in this state is valid in Nevada as it relates to a child born in this state.

Roll call on Assembly Bill No. 92:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:35 p.m.

ASSEMBLY IN SESSION

At 1:41

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 97 clarifies when a will of a deceased person becomes part of the permanent record maintained by the clerk of the court. By being part of the permanent record, these wills are a public record unless sealed pursuant to Nevada Supreme Court rules. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 97:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 112 expands the Legislature's goal to provide a safe and respectful learning environment by ensuring the quality of instruction is not negatively impacted by poor attitudes or interactions among school district personnel.

I want to be clear about what A.B. 112 does. Currently, the Safe and Respectful Learning Environment Law applies to "persons" in the school district. This clarifies that the policy, as crafted, includes adults explicitly. However, under current law it should have been done already. It is important that adults treat each other in a respectful way because their behavior is a model for children, and children will not listen to us when we try to prevent bullying through our words. The quality of instruction can also be impacted by a negative learning environment.

There is no truth to the rumor that my next bill is a Safe and Respectful Legislative Environment Bill.

Roll call on Assembly Bill No. 112:

YEAS—32.

NAYS—Dickman, Ellison, Hansen, Hickey, Kirner, Seaman, Titus, Trowbridge—8.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 124 raises the minimum age at which a child may be punished from eight years to ten years of age, unless the child is charged with murder or certain sexual offenses. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 124:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 126 adds licensed nail technologists to the list of persons exempt from licensure as a massage therapist if the nail technologist is massaging the hands, feet, forearms, or lower legs within his or her scope of practice. The measure removes the requirement that an applicant for a license to practice massage therapy pass an examination administered by a board accredited by the National Commission for Certifying Agencies, instead requiring the Board of Massage Therapists to approve a nationally recognized competency examination. The bill also limits to two years the period during which an expired or inactive license may be restored or

renewed under certain circumstances. Finally, the bill removes an existing provision allowing the Board of Massage Therapists to impose discipline or refuse to license an applicant for a conviction for any crime involving moral turpitude and adds a requirement that a licensee or applicant report to the Board any unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days of becoming aware of the conduct. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 131 provides that submission of an application for a license, permit, or card to the Department of Motor Vehicles by any eligible male authorizes the DMV to register him with the Selective Service System unless the applicant has checked a box provided on the application indicating that he is not required to register pursuant to federal law. The application must inform the applicant that unless he has checked the box, submission of the application indicates that the applicant either has already registered with the Selective Service System or that he is authorizing the DMV to forward to the Selective Service System the necessary information for such registration. This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks and for all other purposes on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

Roll call on Assembly Bill No. 131:

YEAS—39.

NAYS—Dickman.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 132 increases from \$20 to \$30 the fee that a person filing any action for divorce must pay to the county clerk for programs administered by the Department of Employment, Training and Rehabilitation that provide education, training, and counseling of displaced homemakers. The bill also requires a person who commences an action for the termination of a domestic partnership to pay such a fee. In addition, the bill allows one member of the Board for the Education and Counseling of Displaced Homemakers to be either a current or former displaced homemaker.

Roll call on Assembly Bill No. 132:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus—9.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 132 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 559.

AN ACT relating to juvenile justice; requiring the juvenile court to suspend a case if doubt arises as to whether a child is competent; requiring the juvenile court to appoint certain experts to evaluate a child and provide a written report on the competence of the child if the juvenile court suspends a case to determine whether the child is competent; requiring the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts; requiring the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizing the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future; providing that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; **providing that evidence introduced to assist the juvenile court in determining whether a child is competent is not admissible in any criminal proceeding;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts a juvenile competency standard. **Section 3** of this bill provides that any time after a petition is filed and before the final disposition of a case, if doubt arises as to whether a child is competent, the juvenile court is required to suspend the case until the question of competence is determined. **Section 4** of this bill requires a person who makes a motion for the evaluation of a child for the purpose of determining whether the child is competent to: (1) certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent; and (2) specify facts that support the motion. **Section 5** of this bill provides that if the juvenile court suspends a case to determine whether a child is competent, the juvenile court must appoint one or more able and qualified experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and provide a written report on the competence of the child. **Section 6** of this bill sets forth certain considerations an expert must take into account as part of his or her evaluation, as well as certain other considerations an expert must

take into account if appropriate, and **section 7** of this bill sets forth certain requirements relating to the written report of an expert.

Section 8 of this bill requires the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the required written reports from all experts appointed by the juvenile court. **Section 9** of this bill authorizes the juvenile court to consider information relevant to the determination of the competence of a child and information elicited from the child only for certain purposes. Under **section 10** of this bill, after the juvenile court considers the written reports of the appointed experts, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court must determine whether the child is competent. If the juvenile court determines that the child is incompetent, the juvenile court is required to make certain additional determinations and issue all necessary and appropriate recommendations and orders.

Section 11 of this bill requires that if the juvenile court determines that a child is incompetent, the juvenile court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, if the juvenile court determines that the child: (1) has attained competence, the juvenile court is required to proceed with the case; (2) has not attained competence, the juvenile court is required to order appropriate treatment; and (3) has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court is required to hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate its jurisdiction.

Section 12 of this bill provides that if the juvenile court determines that a child is incompetent, the child may not, during the period that the child remains incompetent, be: (1) adjudicated a delinquent child or a child in need of supervision; or (2) placed under the supervision of the juvenile court.

Section 13 of this bill provides that any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent is not admissible in any criminal proceeding.

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

Section 1. Chapter 62D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~12,~~ **13**, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~12,~~ 13, inclusive, of this act, unless the context otherwise requires, "incompetent" means a child does not have the present ability to:*

1. *Understand the nature of the allegations of delinquency or, if the child is a child in need of supervision, the allegations against the child;*
2. *Understand the nature and purpose of the court proceedings; or*

3. *Aid and assist the child's counsel in the defense at any time during the proceedings with a reasonable degree of rational understanding.*

Sec. 3. 1. *Any time after a petition is filed and before the final disposition of a case, if doubt arises as to the competence of a child, the juvenile court shall suspend the case until the question of competence is determined.*

2. *During the period when the competence of a child is being determined, the juvenile court shall consider the appropriate placement of the child and any services or other care to be provided to the child that are necessary for the well-being of the child or for public safety, and may issue any necessary orders.*

3. *The period in which the juvenile court is required to make its final disposition of a case, as set forth in NRS 62D.310, is tolled during the period when the competence of a child is being determined.*

Sec. 4. *A person who makes a motion for the evaluation of a child for the purpose of determining whether the child is incompetent shall:*

1. *Certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent and cannot proceed in the case; and*

2. *Specify facts that support the motion, including, without limitation, any nonprivileged observations of or statements made by the child.*

Sec. 5. 1. *If the juvenile court suspends a case pursuant to section 3 of this act, the juvenile court shall appoint one or more experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and report on the competence of the child.*

2. *Before appointing an expert to evaluate and report on the competence of the child, the juvenile court shall consider the following factors to determine the ability and qualification of the expert to provide such an evaluation and report:*

(a) *The training and experience of the expert in child psychology, child and adolescent psychiatry or child forensic psychiatry;*

(b) *The licensure or professional certification of the expert; and*

(c) *Any other factor the juvenile court deems appropriate in making the appointment.*

3. *An expert appointed by the juvenile court to evaluate and report on the competence of a child must:*

(a) *Be deemed by the juvenile court to be able and qualified to evaluate and report on the competence of the child pursuant to subsection 2; and*

(b) *Prepare and provide a written report to the juvenile court and the parties not later than 14 days after the juvenile court enters an order appointing the expert, unless the juvenile court provides an extension for good cause shown.*

4. *The appointment of an expert pursuant to this section does not preclude the district attorney or the child from calling any other expert witness to testify concerning the competence of the child at an adjudicatory*

hearing, a hearing on a violation of juvenile probation or parole or a hearing to determine whether the child is incompetent. Any such expert witness must be allowed to evaluate the child and examine all relevant records and documents.

Sec. 6. 1. An expert who is appointed by the juvenile court pursuant to section 5 of this act shall evaluate the child as specified in the court order appointing the expert.

2. An expert shall consider as part of his or her evaluation the child's ability to:

- (a) Appreciate the allegations against the child;*
- (b) Appreciate the range and nature of possible penalties that may be imposed upon the child, if applicable;*
- (c) Understand the adversary nature of the legal process;*
- (d) Disclose to the child's counsel facts pertinent to the case;*
- (e) Display appropriate courtroom behavior; and*
- (f) Testify regarding relevant issues.*

3. An expert shall also consider as part of his or her evaluation, if appropriate, the following circumstances of a child:

- (a) The age and developmental maturity of the child;*
- (b) Whether the child has a mental illness or disability or a developmental disorder;*
- (c) Whether the child has any other disability that affects the competence of the child; and*
- (d) Any other factor that affects the competence of the child.*

Sec. 7. 1. A written report submitted by an expert pursuant to subsection 3 of section 5 of this act must:

- (a) Identify the specific matters referred to the expert by the juvenile court for evaluation;*
- (b) Describe the procedures, techniques and tests used in the evaluation of the child and the purposes of each;*
- (c) Describe the considerations taken into account by the expert pursuant to section 6 of this act;*
- (d) State any clinical observations, findings and opinions of the expert on each issue referred to the expert for evaluation by the juvenile court and specifically indicate any issues on which the expert was unable to give an opinion;*
- (e) Identify the sources of information used by the expert and present the factual basis for any clinical observations, findings and opinions of the expert; and*
- (f) State any recommended counseling, treatment, education or therapy to assist the child with behavioral, emotional, psychological or psychiatric issues, if ordered by the juvenile court to provide such recommendations.*

2. In addition to the requirements set forth in subsection 1, if an expert believes that a child is incompetent, the expert shall also include in the report:

(a) Any recommended treatment or education for the child to attain competence;

(b) The likelihood that the child will attain competence under the recommended treatment or education;

(c) An assessment of the probable duration of the treatment or education required to attain competence;

(d) The probability that the child will attain competence in the foreseeable future; and

(e) If the expert recommends treatment for the child to attain competence, a recommendation as to whether services can best be provided to the child as an outpatient or inpatient, or by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160.

Sec. 8. 1. Upon receipt of the required written reports from all experts appointed by the juvenile court, the juvenile court shall hold an expedited hearing to determine whether the child is incompetent.

2. The parties may waive the presence of witnesses and submit the issue of competence to the juvenile court on the written reports of the experts who evaluated the child.

3. The party who made the motion to determine whether the child is competent has the burden of proof to rebut the presumption of competence by a preponderance of the evidence.

4. Unless the parties stipulate or the juvenile court orders otherwise, the parties shall disclose all witnesses, reports and documents at least 10 days before the scheduled day of the hearing.

5. During the hearing, the parties may:

(a) Introduce other evidence, including, without limitation, evidence related to treatment, competence and the possibility of ordering the involuntary administration of medicine; and

(b) Cross-examine witnesses.

Sec. 9. 1. Except as otherwise provided in subsection 2, the juvenile court may consider any information that is relevant to the determination of the competence of the child and any information elicited from the child pursuant to sections 2 to ~~12~~ 13, inclusive, of this act only for the purpose of:

(a) Determining whether the child is incompetent; and

(b) Making a disposition of the case in juvenile court.

2. The provisions of subsection 1 do not apply if a child whose competence is being determined presents any information to the juvenile court for a purpose other than those set forth in subsection 1.

Sec. 10. 1. After the juvenile court considers the written reports of all the experts appointed by the juvenile court, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court shall determine whether the child is incompetent.

2. *If the juvenile court determines that the child is competent, the juvenile court shall proceed with the case.*

3. *If the juvenile court determines that the child is incompetent, the juvenile court shall determine whether:*

(a) *The child is a danger to himself or herself or society;*

(b) *Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and*

(c) *Any services provided to the child can best be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.*

4. *After the juvenile court makes the determinations set forth in subsection 3, the juvenile court shall issue all necessary and appropriate recommendations and orders.*

5. *Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.*

Sec. 11. 1. *If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:*

(a) *Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;*

(b) *After any period of extended treatment;*

(c) *After the child completes any treatment ordered by the juvenile court;*

(d) *After a person ordered by the juvenile court to provide services to the child pursuant to section 10 of this act determines that the child has attained competence or will never attain competence; or*

(e) *At shorter intervals as ordered by the juvenile court.*

2. *Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to section 10 of this act must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.*

3. *After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:*

(a) *Is competent, the juvenile court shall enter an order accordingly and proceed with the case.*

(b) *Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with sections 2 to ~~12,~~ 13,*

inclusive, of this act, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

Sec. 12. If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, during the period that the child remains incompetent, the child may not be:

1. Adjudicated a delinquent child or a child in need of supervision; or

2. Placed under the supervision of the juvenile court pursuant to a supervision and consent decree pursuant to NRS 62C.230.

Sec. 13. Any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent pursuant to sections 2 to 13, inclusive, of this act is not admissible in any criminal proceeding.

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

ASSEMBLYMAN OHRENSCHALL:

Amendment 559 clarifies that any information that would come forward as a result of a juvenile competency screening test in juvenile delinquency court would not be used in an adult criminal proceeding. This was discussed in your Committee on Judiciary in the language already in the bill.

The additional language in section 13 just strengthens and beefs up that language to make sure it is clear that whatever comes out as a result of the effort to screen for competency to go forward with the proceedings or to restore competency would not ever be used in an adult criminal proceeding.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 141.
Bill read third time.
Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 141 removes the requirement that a notice of default and election to sell be mailed to holders of certain security interests only if such holders have notified the association of the existence of the security interest 30 days before the recordation of the notice.

Roll call on Assembly Bill No. 141:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 141 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 143 authorizes a motor vehicle insurer to provide evidence of insurance in an electronic format that can be displayed on a mobile electronic device. A person who presents a mobile electronic device to provide evidence of insurance assumes all liability for any resulting damage to the device. Additionally, if evidence of insurance is provided to a peace officer in an electronic format, the peace officer shall not intentionally view any other content on the mobile device. This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks and on October 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 143:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 143 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 151 clarifies who may petition the court to adopt a child. The bill allows the adoption of a child of any age if the child is being adopted by certain family members and the adoption is in the best interest of the child and the public. The measure requires that a married person obtain from his or her spouse consent to adopt. The spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent unless the spouse specifically agrees to the adoption and the home is suitable. If the spouse cannot be found or lacks the capacity to consent, the court may dispense with the consent requirement. Lastly, the measure exempts stepparents and relatives within the third degree of consanguinity from the six-month wait requirement prior to the issuance of a court's order or decree of adoption.

Roll call on Assembly Bill No. 151:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 151 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 153 requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. The juvenile court must order the terms and conditions of the supervision to address the needs of the child, including services to address the sexual exploitation and the placement of the child. If the child violates the supervision and consent decree, the allegation must be brought before the court, and the court may issue certain orders concerning the child.

Upon the successful completion of the terms and conditions of the supervision and consent decree or if the child reaches 18 years of age, the court must dismiss the petition alleging that the child engaged in prostitution or the solicitation of prostitution. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 153:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 157.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 157 revises the definition of “service animal” and “service animal in training” to only include dogs and miniature horses with training to perform tasks that benefit a person with any disability. The bill allows an employer to refuse to permit an employee to keep a service animal that is a miniature horse if the employer determines it would be unreasonable to comply with accommodation requirements. Additionally, public places and common carriers are also not required to comply with accommodation requirements if accommodations for a miniature horse service animal are unreasonable. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 157:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblymen Fiore, Kirkpatrick, and Ellison.

ASSEMBLYWOMAN FIORE:

Assembly Bill 160 requires the county to approve where the justice court will hold their sessions. It allows for some flexibility regarding where a justice court or municipal court may hold sessions.

ASSEMBLYWOMAN KIRKPATRICK:

We just want to verify. I assume that this is to accommodate some of the more rural justice courts. The bill does not provide that in counties such as Clark, a justice cannot decide he wants to meet down the street or around the corner. I just want to be clear because somebody will always try to bend the rules.

ASSEMBLYWOMAN FIORE:

I think that this is pretty clear and I think that your concerns are addressed in the bill.

ASSEMBLYMAN ELLISON:

All the justice courts met and decided that this was the best way to go. Rural counties—it was visiting judges from outside the area like Wendover, Jackpot. These areas they had to go, there was a court that was set up at the jailhouse. They could use that when they are visiting judges, and that’s what that was, and the judges approved it.

Roll call on Assembly Bill No. 160:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Wheeler, Woodbury—3.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 336.

AN ACT relating to public health; authorizing a manufacturer to provide or make available an investigational drug, biological product or device to certain patients under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an investigational drug, biological product or device under certain circumstances; authorizing a physician to prescribe or recommend an investigational drug, biological product or device to certain persons under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients who have a serious or immediately life-threatening illness under certain circumstances. (21 C.F.R. Part 312, Subpart I) Existing Nevada law makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act. (NRS 454.351)

Section 1 of this bill authorizes the manufacturer of an investigational drug, biological product or device to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition that will, without the administration of life-sustaining treatment, result in death within 1 year if a physician prescribes or recommends the investigational drug, biological product or device. **Section 1** defines “investigational drug, biological product or device” as a drug, biological product or device that: (1) has successfully completed Phase 1 of a clinical trial; (2) has not been approved by the United States Food and Drug Administration; and (3) is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration. **Section 1** also makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. Additionally, **section 2** of this bill removes the criminal penalty otherwise imposed against a person who engages in certain

acts that make an investigational drug or biological product available when certain requirements are met.

Because a prescription or recommendation from a physician is required before a patient may obtain an investigational drug, biological product or device, **sections 3 and 8** of this bill authorize a physician to issue such a prescription or recommendation if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the Food and Drug Administration is adequate to treat the terminal condition; and (3) obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. **Sections 3 and 8** also require such informed, written consent to be provided on a form that contains certain information about the possible consequences of using the investigational drug, biological product or device. Additionally, **sections 5, 7 and 9** of this bill provide that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous drug is not subject to professional discipline if the controlled substance or dangerous drug is an investigational drug or biological product prescribed by a physician.

WHEREAS, The process to approve investigational drugs, biological products and devices often takes many years; and

WHEREAS, Patients who have a terminal condition do not have the luxury of waiting until an investigational drug, biological product or device receives final approval from the United States Food and Drug Administration; and

WHEREAS, The standards of the United States Food and Drug Administration for the use of investigational drugs, biological products and devices may deny potentially life-saving treatments to terminal patients; and

WHEREAS, This State recognizes that patients who have a terminal condition have a fundamental right to attempt to pursue the preservation of their own lives by accessing available investigational drugs, biological products and devices; and

WHEREAS, The decision to use an available investigational drug, biological product or device should be made by a patient with a terminal condition in consultation with his or her physician and is not a decision to be made by the government; now, therefore,

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a*

terminal condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to section 3 or 8 of this act.

2. *A manufacturer who provides or makes available an investigational drug, biological product or device to a patient pursuant to subsection 1 may:*

(a) *Provide the investigational drug, biological product or device to the patient without charge; or*

(b) *Charge the patient only for the costs associated with the manufacture of the investigational drug, biological product or device.*

3. *An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section.*

4. *A violation of any provision of this section is a misdemeanor.*

5. *As used in this section:*

(a) *“Biological product” has the meaning ascribed to it in 42 U.S.C. § 262.*

(b) *“Investigational drug, biological product or device” means a drug, biological product or device that:*

(1) *Has successfully completed Phase 1 of a clinical trial;*

(2) *Has not been approved by the United States Food and Drug Administration; and*

(3) *Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.*

(c) *“Terminal condition” means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.*

Sec. 2. NRS 454.351 is hereby amended to read as follows:

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the *United States* Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the *United States* Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the *United States* Food and Drug Administration. The exemption granted in

this paragraph does not grant authority to transport such a substance out of this State.

(c) To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an investigational drug or biological product when authorized pursuant to section 1 of this act.

(d) To any physician who prescribes or recommends an investigational drug or biological product pursuant to section 3 or 8 of this act.

3. As used in this section:

(a) "Biological product" has the meaning ascribed to it in section 1 of this act.

(b) "Investigational drug or biological product" means a drug or biological product that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 3. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician may prescribe or recommend an investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a terminal condition;

(b) Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and

(c) Obtained informed, written consent to the use of the investigational drug, biological product or device from:

(1) The patient;

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

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

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:

(a) An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;

(b) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to significantly prolong the life of the patient;

(c) Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;

(d) A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:

(1) A description of the best and worst possible outcomes;

(2) A realistic description of the most likely outcome, in the opinion of the physician; and

(3) A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;

(e) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device; and

~~(f) [A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and~~

~~—(g)—~~ A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. A physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

4. As used in this section:

(a) "Investigational drug, biological product or device" has the meaning ascribed to it in section 1 of this act.

(b) "Terminal condition" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to *paragraph (j) of subsection 1* of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 5. NRS 630.306 is hereby amended to read as follows:

630.306 **1.** The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~{1-}~~ **(a)** Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

~~{2-}~~ **(b)** Engaging in any conduct:

~~{(a)}~~ **(1)** Which is intended to deceive;

~~{(b)}~~ **(2)** Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

~~{(c)}~~ **(3)** Which is in violation of a regulation adopted by the State Board of Pharmacy.

~~{3-}~~ **(c)** Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

~~{4-}~~ **(d)** Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

~~{5-}~~ **(e)** Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

~~{6-}~~ **(f)** Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

~~{7-}~~ **(g)** Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

~~{8-}~~ **(h)** Habitual intoxication from alcohol or dependency on controlled substances.

~~9.~~ (i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

~~10.~~ (j) Failing to comply with the requirements of NRS 630.254.

~~11.~~ (k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

~~12.~~ (l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~13.~~ (m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

~~14.~~ (n) Operation of a medical facility at any time during which:

~~(a)~~ (1) The license of the facility is suspended or revoked; or

~~(b)~~ (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

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

~~15.~~ (o) Failure to comply with the requirements of NRS 630.373.

~~16.~~ (p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

~~17.~~ (q) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~(a)~~ (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~(b)~~ (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~for~~

~~(e)~~ (3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~;~~

~~18.~~ ; or

(4) *Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.*

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. *As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.*

Sec. 6. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a

report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

- (a) At a medical facility as that term is defined in NRS 449.0151; or
- (b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:

- (a) At the time the holder of a license renews his or her license; and
- (b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to *paragraph (i) of subsection 1* of NRS 630.306.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

- (a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;
- (b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and
- (c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

8. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information

in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) “Conscious sedation” has the meaning ascribed to it in NRS 449.436.

(b) “Deep sedation” has the meaning ascribed to it in NRS 449.437.

(c) “General anesthesia” has the meaning ascribed to it in NRS 449.438.

(d) “Sentinel event” means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 7. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↪ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~for~~

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[-]~~; *or*

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

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

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

↳ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. *As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.*

Sec. 8. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An osteopathic physician may prescribe or recommend an investigational drug, biological product or device to a patient if the osteopathic physician has:*

(a) *Diagnosed the patient with a terminal condition;*

(b) *Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and*

(c) *Obtained informed, written consent to the use of the investigational drug, biological product or device from:*

(1) *The patient;*

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

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

2. *An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:*

(a) *An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;*

(b) *A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to significantly prolong the life of the patient;*

(c) *Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;*

(d) *A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:*

(1) *A description of the best and worst possible outcomes;*

(2) *A realistic description of the most likely outcome, in the opinion of the osteopathic physician; and*

(3) *A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;*

(e) *A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device; and*

~~(f) *A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and*~~

~~(g)~~ *A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.*

3. *An osteopathic physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.*

4. *As used in this section:*

(a) *“Investigational drug, biological product or device” has the meaning ascribed to it in section 1 of this act.*

(b) *“Terminal condition” has the meaning ascribed to it in section 1 of this act.*

Sec. 9. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

~~{1.}~~ (a) Unprofessional conduct.

~~{2.}~~ (b) Conviction of:

~~{a)}~~ (1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~{b)}~~ (2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

~~{c)}~~ (3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~{d)}~~ (4) Murder, voluntary manslaughter or mayhem;

~~{e)}~~ (5) Any felony involving the use of a firearm or other deadly weapon;

~~{(6)}~~ (6) Assault with intent to kill or to commit sexual assault or mayhem;

~~{(7)}~~ (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

~~{(8)}~~ (8) Abuse or neglect of a child or contributory delinquency; or

~~{(9)}~~ (9) Any offense involving moral turpitude.

~~{3-}~~ (c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

~~{4-}~~ (d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

~~{5-}~~ (e) Professional incompetence.

~~{6-}~~ (f) Failure to comply with the requirements of NRS 633.527.

~~{7-}~~ (g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

~~{8-}~~ (h) Failure to comply with the provisions of NRS 633.694.

~~{9-}~~ (i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

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

~~{10-}~~ (j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

~~{11-}~~ (k) Signing a blank prescription form.

~~{12-}~~ (l) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~{(a)}~~ (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~{(b)}~~ (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~for~~

~~—(e)}~~ (3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~;~~

~~—13-}~~ ; *or*

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

~~{14-}~~ (n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

~~{15}~~ (o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

~~{16}~~ (p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~{17}~~ (q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~{18}~~ (r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

~~{19}~~ (s) Failure to comply with the provisions of NRS 633.165.

~~{20}~~ (t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

The amendment deletes language in two places that states that the patient may not be eligible for hospice care while using the investigational drug, biological product, or device.

The concern that I had with this bill was that the patient will be signing away possible benefits that they may have under their insurance policy as a trade for basically trying this investigational drug. This bill, known as the Right to Try bill, is for terminal patients, which tells me that hospice is going to be something that will be necessary. We know how important hospice is, not only to the patients but to the families, and to be able to sign away the responsibilities of their insurance company to deal with hospice gave me a great level of discomfort. There are a number of other pieces in this bill that I am very uncomfortable with, but this was the one that gave me the greatest pause. That is why I proposed taking the hospice negotiation out, so that the patient and family will be taken care of at end of life.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblywomen Spiegel.

Potential conflict of interest declared by Assemblywoman Joiner.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 169 requires the State Board of Health to adopt regulations concerning the use of graywater systems for a single-family residence, and such regulations are effective statewide except in areas where a district board of health has already adopted regulations for graywater

systems. Regulations must prohibit graywater systems where certain conditions exist, although where systems are allowed, a person must obtain a permit for use. A permit can only be issued if conditions related to overflow, storage, runoff, standing water, and certain other conditions are met. A local government may not prohibit the use of a graywater system if conditions are met.

The State Board of Health must submit a report to the Legislature indicating the number and location of each permit issued for the operation of a graywater system. This bill is effective upon passage and approval for the purpose of adopting regulations, and July 1, 2016, for all other purposes.

ASSEMBLYWOMAN JOINER:

I rise to make a disclosure on A.B. 169. I would like to disclose that I abstained from voting on A.B. 169 in committee because my husband testified on this bill on behalf of one of his nonprofit clients. Although this measure would not affect his client any differently than any other nonprofit, out of an abundance of caution, I plan to abstain again today on the floor.

Roll call on Assembly Bill No. 169:

YEAS—37.

NAYS—Carlton.

NOT VOTING—Joiner.

EXCUSED—Hansen, Wheeler, Woodbury—3.

Assembly Bill No. 169 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 183 requires the grantee of real property under an agreement for a deed in lieu of a foreclosure sale to record the conveyance with the appropriate office of the county recorder within 30 days after the date of the conveyance. The grantee is liable for attorney's fees and costs and for certain damages for failure to record the conveyance.

In common terms, when someone signs over their house instead of getting foreclosed on by the bank, the bank gives them cash for keys. All this bill says is that the conveyance must be recorded. What is happening is that after these homeowners sign away their property, they are still getting harassed by creditors, HOAs, et cetera. This is to give people a clean break, so this requires a clean title.

Roll call on Assembly Bill No. 183:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 183 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 192 revises the period of time that a declarant's control of a unit-owners' association must terminate, depending upon the size of the common-interest community. For a common-interest community with fewer than 1,000 units, the declarant's control terminates 60

days after conveyance of 75 percent of the units. For a common-interest community with 1,000 units or more, the declarant's control terminates 60 days after conveyance of 90 percent of the units.

The measure also revises provisions concerning the election of unit owners to the executive board during the period of a declarant's control. For a common-interest community with fewer than 1,000 units, members of the executive board must be elected by unit owners other than the declarant not later than 60 days after conveyance of 25 percent of the units. For a common-interest community with 1,000 units or more, members of the executive board must be elected by unit owners other than the declarant not later than 60 days after conveyance of 15 percent of the units. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 192:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 194 revises the definition of the term "historic" to mean the period from the middle of the eighteenth century to 50 years before the current year as that term is used in the context of permits for exploration and excavation of prehistoric and historic sites on federal and state lands. This term refers only to a period of time and is not a trigger for being automatically considered for nomination to the state or national registers of historic places.

Roll call on Assembly Bill No. 194:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 201 prohibits a local government from entering into an agreement with any third-party person for the purpose of exercising the power of eminent domain to take a mortgage, deed of trust, or mortgage lien on private property or any note secured by a mortgage, deed of trust, or mortgage lien on private property.

Roll call on Assembly Bill No. 201:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 204 requires that an authorization letter which is issued with a special license plate, parking placard, or parking sticker by the Department of Motor Vehicles or a city or county contain the photograph of the holder of a plate, placard, or sticker that appears on the person's driver's license or identification card. The bill also requires the owner or operator of a motor vehicle displaying such a plate, placard, or sticker to present the authorization letter to a law enforcement representative upon request.

This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks, and for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

Roll call on Assembly Bill No. 204:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 206 revises the content of certain notices sent to parents of pupils enrolled in public schools. The measure affects notices to parents concerning incidents of bullying or cyber-bullying, as well as reports to parents concerning a child found to have scoliosis, a visual or auditory problem, or any gross physical defect. The notices must include a list of resources that may be available in the community to assist the pupil, including resources available at little or no cost; however, neither school employees nor the school district is responsible for providing these resources or ensuring that the pupil receives the resources. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 206:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 231 authorizes the Chiropractic Physicians' Board of Nevada to require certain licensees to submit to a mental or physical examination if the licensee's competence to practice is questioned by the Board's president or another member of the Board in reviewing a complaint. The measure revises the definition of "unprofessional conduct" for purposes of discipline by the Board. It also allows chiropractic training and education received from certain foreign schools to meet the requirements for licensure in this state under certain circumstances and waives the application fee for an applicant for temporary licensure who provides volunteer services. Finally, A.B. 231 requires an applicant for reinstatement of licensure to submit fingerprints and pay the processing fee. The bill is effective upon passage and approval for the purpose of adopting regulations and performing any preparatory tasks necessary to carry out the act, and on October 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 231:

YEAS—31.

NAYS—Carlton, Dickman, Dooling, Fiore, Jones, Moore, Shelton, Titus, Trowbridge—9.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 231 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 250 provides that a veteran who is eligible for a Pearl Harbor, Purple Heart, or Congressional Medal of Honor special license plate and who, as a result of his or her service, has suffered a 100-percent, service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates. Additionally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the state or any political subdivision or other public body within the state, other than the United States.

Assembly Bill 250 further provides that a veteran who is eligible for ex-prisoner of war 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 plates.

This bill is effective upon passage and approval for purposes of adopting regulations and other preparatory administrative tasks, and for all other purposes, on July 1, 2018, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act, whichever is earlier.

Roll call on Assembly Bill No. 250:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 273 prohibits a former legislator from receiving compensation to lobby before the Legislature for a period beginning after the legislator leaves office and ending at the adjournment of the next regular session. An exemption is provided if lobbying is a duty of the former legislator's full-time employment and the former legislator does not act as a lobbyist for any other employer, client, or client of his or her employer.

This bill is effective on November 8, 2016, after the next election.

Roll call on Assembly Bill No. 273:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 145.

REMARKS FROM THE FLOOR

Assemblyman Oscarson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, The pages of Armenian history are filled with stories of people overcoming painful adversity and adhering to an inner strength and determination to preserve a culture rich in architecture, weaving, music, and dance; and

WHEREAS, For about 3,000 years, the Armenian people made their home in the Caucasus region of Eurasia as an independent entity and continued to thrive when Armenia was absorbed by the Ottoman Empire during the 15th century; and

WHEREAS, The Ottoman Empire dissolved in the early 20th century and gave rise to a new Turkish government that began to remove the Armenian people from within the borders; and

WHEREAS, In 1915, the leaders of the new Turkish government ordered the arrest and execution of Armenian intellectuals, turned people out of their homes, and forced them on death marches across the Mesopotamian desert, in what would become known as the Armenian Genocide that ended the lives of over 1.5 million people; and

WHEREAS, In response to the genocide, at the behest of United States President Woodrow Wilson and the U.S. State Department, the Near East Relief organization was founded, and became the first congressionally sanctioned American philanthropic effort created exclusively to provide humanitarian assistance and rescue the Armenian nation and other Christian minorities from annihilation; and

WHEREAS, The Near East Relief organization, with the help of many states, provided \$117 million of assistance between 1915 and 1930 and saved more than 1 million refugees, including 132,000 orphans, by delivering food, clothing, materials for shelter, and setting up refugee camps, clinics, hospitals, and orphanages; and

WHEREAS, The State of Nevada is home to a large Armenian-American population, who have enriched our State through their leadership and contribution in business, agriculture, academia, government, and the arts; and

WHEREAS, The Armenian people, in Nevada and elsewhere, remain resolved and their spirit continues to thrive a century after their near annihilation; now, therefore, be it

PROCLAIMED, That the survivors of the Armenian Genocide and their descendants are commended for their strength to overcome extreme adversity and prosper in our State; and be it further

PROCLAIMED, That April 24, 2015, is recognized as the day of "Commemoration of the Anniversary of the Armenian Genocide of 1915-1923."

DATED this 14th day of April, 2015.

JIM WHEELER

Nevada State Assemblyman

Assemblyman Oscarson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OSCARSON:

I would like to take a moment to say a few words about an event that occurred 100 years ago today in another part of the world. Today we recognize the centennial anniversary of the Armenian genocide. Let me provide a little history.

For about 3,000 years, the Armenian people lived in the Caucasus region of Eurasia at the border of Europe and Asia, located between the Black Sea and the Caspian Sea. For centuries, control of this region shifted from one empire to another. The Ottoman Empire controlled the region for about 500 years until the early twentieth century when it dissolved as a new Turkish government came into power.

In 1915, the new Turkish government forced the Armenian people from their homes, arrested some, executed others, and forced many on death marches to the Syrian desert. This resulted in the deaths of more than 1.5 million people.

There are many times in history when an act occurs that is so deplorable, it moves another country to become involved. In response, U.S. President Woodrow Wilson ordered the creation of the Near East Relief organization to provide humanitarian aid and rescue the Armenian people from annihilation. Between 1915 and 1930, the Organization saved more than 1,000,000 refugees including 132,000 orphans.

You may not realize it, but Nevada is home to a large Armenian-American population that has made contributions to our society in the areas of business, agriculture, and academia. These individuals are the descendants of the survivors of the dreadful events that occurred a century ago. With us today are some individuals who share the Armenian heritage of adversity in their native homeland and prosperity in Nevada. To commemorate the strength of the Armenian people in overcoming adversity, we have prepared a proclamation that recognizes the centennial anniversary of the Armenian genocide. Please join me in recognizing their determination and giving our support for their continued success in Nevada.

Assemblywoman Carlton requested that the following remarks be entered in the journal.

ASSEMBLYWOMAN CARLTON:

Today I would like to recognize Pay Equity Day. The members of the body all have their Payday candy bar on their desks and their little note with the little red purse on it. Every year since 1999, the first year that I came into this body, I have been recognizing Pay Equity Day.

This day symbolizes how far into the year women must work to earn what a man earned last year. In 1963 when the Equal Pay Act was passed, women made approximately 59 cents on the dollar compared to a white man. Over her lifetime, a woman with a high school education will earn \$700,000 less than a man. If they have a college education, they will earn \$1.2 million less, and if they are a post graduate, \$2 million less. This does not even take into account racial

discrimination that is built in to this. An African-American woman will earn 68 cents to every dollar, and a Hispanic woman will earn 58 cents to every dollar.

Let us keep in mind that women are 50 percent of the labor force. This is not a women's issue; this is a family issue; this is a community issue.

According to the National Partnership for Women and Families, in the Las Vegas metro area a woman is paid \$35,163 per year while a man is paid \$40,584. This breaks down to 87 cents for every dollar in Las Vegas. We are doing better than the national average, and that is something to celebrate. That is, however, a gap of \$5,421. That equates to 39 weeks of groceries, four months of a mortgage, six months of rent, or 1,442 gallons of gas depending upon what the price is this week. As an economic security issue, 96,000 households are headed by women. Twenty-six percent of those households have income that fall below the poverty level.

The red purse that you have on your desk today is a symbol of an ongoing movement organized by the American Business and Professional Women's Foundation. To quote American social activist Elizabeth Cady Stanton, "A woman will always be dependent until she holds a purse of her own."

Assemblyman Silberkraus requested that the following remarks be entered in the journal.

ASSEMBLYMAN SILBERKRAUS:

One hundred fifty-five years and 11 days ago, a cannon was fired, a large assembled crowd cheered, and a rider dashed to the landing on Jules Street in St. Joseph, Missouri. There, the ferry boat Denver waited to carry this horse and rider across the Missouri River into the Kansas Territory.

On April 9, this rider from the east reached Salt Lake City; on the 12th, Carson City. The rider raced over the Sierra Nevada Mountains on to Sacramento, and around midnight on April 14, 1860, 155 years ago today, the first mail pouch was delivered to San Francisco via the Pony Express.

Though only a brief flash in history, the Pony Expresses legacy still stands strong 155 years later. Today I can think of no better way to remember and share this group of men with you than to quote Mark Twain's *Roughing It*.

Away across the endless dead level of the prairie a black speck appears against the sky, and it is plain that it moves. Well, I should think so! In a second or two it becomes a horse and rider, rising and falling, rising and falling—sweeping toward us nearer and nearer—growing more and more distinct, more and more sharply defined—nearer and still nearer, and the flutter of the hoofs comes faintly to the ear—another instant a whoop and a hurrah from our upper deck, a wave of the rider's hand, but no reply, and man and horse burst past our excited faces, and go winging away like a belated fragment of a storm! So sudden is it all, and so like a flash of unreal fancy, that but for the flake of white foam left quivering and perishing on a mail-sack after the vision had flashed by and disappeared, we might have doubted whether we had seen any actual horse and man at all.

Assemblyman Stewart requested that the following remarks be entered in the journal.

ASSEMBLYMAN STEWART:

Over the last four years, we have celebrated various events commemorating the 150th anniversary of the Civil War. This past week was 150 years since the surrender of General Lee to General Grant at Appomattox. This week, we commemorate the death of one of our greatest presidents, Abraham Lincoln, who brought us safely through the Civil War and reunited our country once again. I think it is significant that we honor and remember him today. As he looks down upon us, let us always look up to him and follow the great example he gave of integrity, hard work, and dedication.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Virginia Palmer Elementary School: Gabriel Andrade Gomez, Anessa Arcangeli, Marlen Badillo Delgado, Oscar Baltazar Vivero, Jayden-Flo Caluya, Fernanda Cardenas, Jaidyn Carlile, Addriana Cox, Chelsi Crank, Kevin De La Luz Jaramillo, Fatima Diaz-Lopez, Ryan Emerson, Luz Escobar Ruiz, Alana Everidge, Ebony Foster, Javier Gandara, Sara Garcia, Amiya Gonzales, Amber Grant, Precilia Guardado, Dominick Guillen, Samantha Guzman Hernandez, Christopher Hidalgo, Erica Hood, Kodi Johnson, Eduardo Juarez, Samantha Martinez, Tristan McFarlin, Lilly McKeen, Bersain Medina Diaz, Dominic Miller, Nathaly Montes Rico, Giovvani Oliva, Baleria Pacheco-Avila, Ava Polar, Danika Reynolds, Omar Rodriguez, Bailey Rose, Irene Rubio Gama, Daisy Ruiz, Krysta Ruiz Contreras, Jaylynn Sather-Bergstrom, Jennifer Sather-Bergstrom, Brice Sheets, Zakaria Simpson, Heidi Smith, Ruby Sotelo, Freedom Spearman, Alexis Stellingwerf, Noah Stidger, Savannah Toney, Edwin Torres Arellano, Esmeralda Trujillo, Guadalupe Trujillo, Veronica Trujillo, Elizabeth Valadez Hernandez, Andrew Vanhorn, Luis Vasquez Lopez, Elenoa Vatikani, Joshua Villegas Velasco, Riley Virgil, Jayden Wilson, Jenell Parra Estrada, and Oswyn De Leon Lemus.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Vartan Barsoumian and Valery Mkrtumian.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Kassamian and Elen Asatryan.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Bartham.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Hera Armenian and Adroushan Armenian.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Albert Cavasos, Kenneth Ledbetter, Dejohn Mitchell, Alejandro Quiroz, MiguelTejeda, Benjamin Chanes, Russell Enz, Thomas Funez, Michael Lindstrom, Robert Mejia, Valentin Michel, Joshua Curasi, Marlon Dixon, Jamal Jackson, Richard Martinez, Angel Mejia, and Delshone Staples.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, April 15, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:35 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly