

**THE ONE HUNDRED AND SECOND DAY**

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CARSON CITY (Thursday), May 14, 2015

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

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

We pray in the name of Jesus Christ that we be surrounded this day with the very presence of God—that our minds, our hearts and souls be saturated with Your wisdom, consumed with Your goodness, and fully devoted to Your Lordship. Above and below us, before and behind us, may Christ be all around us. May we live this day in surrender to Your will, oh Lord, and may we be found this day serving God and His agenda through every thought and action of our lives, we pray.  
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 Senate Bills Nos. 112, 231, 232, 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

*Mr. Speaker:*

Your Committee on Education, to which was rereferred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 62, 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 36, 38, 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*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 2015

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 661 to Senate Bill No. 480.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 303 and 312 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 75 and 172 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senate Concurrent Resolution No. 2.

Resolution read.

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

Amendment No. 702.

SENATE CONCURRENT RESOLUTION—Encouraging certain entities to approve require and provide educational programs relating to caring for persons with Alzheimer's disease and other forms of dementia.

WHEREAS, Alzheimer's disease is a progressive, degenerative brain disorder characterized by memory loss, language deterioration, poor judgment and indifferent attitude, but preserved motor function; and

WHEREAS, Alzheimer's disease afflicts one out of every nine Americans over 65 years of age and is the sixth leading cause of death in the United States; and

WHEREAS, The number of Americans with Alzheimer's disease and other dementias is expected to grow each year as the size and proportion of Americans over 65 years of age continues to increase; and

WHEREAS, The rapid rise in persons diagnosed with Alzheimer's disease is already evident and is especially dramatic in Nevada, which in 2014 had an estimated 37,000 of its residents suffering from this debilitating affliction; and

WHEREAS, It is projected that by 2025 the number of residents of this State suffering from Alzheimer's disease will increase by 73 percent to over 64,000 people; and

WHEREAS, Most persons with Alzheimer's disease will survive for 4 to 8 years after diagnosis and may live as long as 20 years after the onset of symptoms; and

WHEREAS, In response to this growing crisis, the members of the 76th Session of the Nevada State Legislature adopted Assembly Concurrent Resolution No. 10 directing the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease; and

WHEREAS, In January 2013, the Legislative Committee on Health Care delivered to the 77th Session of the Nevada Legislature a copy of the Nevada State Plan to Address Alzheimer's Disease; and

WHEREAS, The State Plan identified a need to strengthen the multidisciplinary workforce that cares for persons with Alzheimer's disease and other dementias and maintain a dementia-competent workforce in Nevada; and

WHEREAS, The State Plan identified several educational challenges to strengthening and maintaining the workforce that cares for persons with Alzheimer's disease and other dementias in this State and proposed recommendations to address these challenges; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 78th Session of the Nevada State Legislature hereby encourage the Board of Medical Examiners, the State Board of Osteopathic Medicine, the State Board of Nursing, professional associations of health care providers and educational institutions to incentivize and promote awareness and education of health care providers by:

1. Approving **or requiring, as applicable**, continuing education programs that provide primary care physicians and other allied health care professionals with ongoing education and training about recent developments, research and treatments of Alzheimer's disease and other forms of dementia;
2. Encouraging primary care physicians to refer persons with cognitive deficits for specialized cognitive testing when appropriate; and
3. Encouraging primary care physicians to refer persons with dementia and their families to dementia-related community resources and supportive programs; and be it further

RESOLVED, That the members of the 78th Session of the Nevada State Legislature hereby encourage schools in Nevada with programs in nursing and other health care professions to ensure that the programs include specific training regarding Alzheimer's disease and other forms of dementia in their curriculum and expand related continuing education opportunities for nurses and other health care professionals in the acute care setting; and be it further

RESOLVED, That the members of the 78th Session of the Nevada State Legislature hereby encourage the promotion of training and educational opportunities that are conducted by or in consultation with the Division of Public and Behavioral Health of the Department of Health and Human Services and related to Alzheimer's disease and other forms of dementia for all levels of medical personnel in a hospital, including, without limitation, emergency-room personnel and others responsible for admission and discharge; and be it further

RESOLVED, That the members of the 78th Session of the Nevada State Legislature hereby encourage first responders and law enforcement and fire department personnel to attend an amount and type of training adequate to help them assess and learn how to respond to people with Alzheimer's disease and other forms of dementia; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Governor, each member of the Board of Medical Examiners, each member of the State Board of Osteopathic Medicine, each member of the State Board of Nursing, each member of the Board of Regents of the University of Nevada, the dean or provost of each school of medicine or nursing located in this State, and the Director of the Department of Public Safety and the State Fire Marshal for distribution to each fire chief, chief of police and sheriff in this State, and to the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that an entity could require, as applicable, continuing education programs related to Alzheimer's disease and other forms of dementia which are provided to primary care physicians and other allied health care professionals.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

#### SECOND READING AND AMENDMENT

Senate Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 675.

AN ACT relating to education; revising provisions relating to an individualized education program for a pupil with a hearing impairment; revising provisions governing parent representation of the educational interests of a pupil with a disability; revising provisions relating to the minimum standards prescribed by the State Board of Education for pupils with hearing impairments; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

The federal Individuals with Disabilities Education Act governs how states and public agencies provide early intervention, special education and related services to pupils with disabilities. (20 U.S.C. § 1400 et seq.) The Act includes a requirement to develop an individualized education program for each pupil with a disability by an individualized education program team. (20 U.S.C. § 1414(d)) **Section 1** of this bill revises the definition of a "pupil with a

disability” to align with the definition of “child with a disability” in the Individuals with Disabilities Education Act. (20 U.S.C. § 1401(3)(A))

Existing law authorizes a pupil with a disability who does not satisfy the requirements for a standard high school diploma to receive an adjusted diploma instead which evidences the graduation from high school if the pupil satisfies the requirements set forth in his or her individualized education program. (NRS 389.805) Existing law further provides that any right accorded to a parent of a pupil with a disability pursuant to the Individuals with Disabilities Act transfers to the pupil when the pupil attains the age of 18 years unless the school district or charter school approves an application of a parent to be appointed to represent the interests of the pupil. (NRS 388.492, 388.493) Existing law also provides that if such an application is granted, a parent represents the educational interests of the pupil until: (1) the pupil receives a standard high school diploma or an adjusted diploma; (2) the pupil is no longer enrolled in a program of special education; or (3) the parent elects to transfer the right to represent his or her own educational interests to the pupil. **Section 3** of this bill removes the reference to an adjusted diploma so that a parent who represents the interests of a pupil with a disability will continue to do so until the pupil receives a standard diploma or is no longer enrolled in a program of special education.

Existing law requires the State Board of Education to prescribe certain minimum standards for the special education of pupils with disabilities and for programs of instruction or special services maintained for the purpose of serving such pupils with disabilities and has specific requirements for pupils with hearing impairments. (NRS 388.520) **Section 4** of this bill removes the specific requirements that the minimum standards prescribed for pupils with hearing impairments include certain provisions. Instead, **section 4** requires those minimum standards to comply with federal law concerning persons with hearing impairments.

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

**Section 1.** NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive:

1. “Communication mode” means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

- (a) American Sign Language;
- (b) English-based manual or sign systems;
- (c) Oral and aural communication;
- (d) Spoken and written English, including speech reading or lip reading;

and

(e) Communication with assistive technology devices.

2. “Gifted and talented pupil” means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person

cannot progress effectively in a regular school program and therefore needs special instruction or special services.

3. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

4. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

5. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

6. "Pupil with a disability" ~~means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services. Has the meaning ascribed to the term~~ means a "child with a disability [?]" as that term is defined in 20 U.S.C. § 1401(3)(A) [?], who is under 22 years of age.

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

**Sec. 3.** NRS 388.493 is hereby amended to read as follows:

388.493 1. A parent of a pupil with a disability may, at least 90 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil if:

(a) The parent believes that the pupil does not have the ability to provide informed consent with respect to the pupil's own educational program; and

(b) The status of the pupil is such, as determined in accordance with the regulations adopted pursuant to subsection 5, that the parent is authorized to submit such an application.

2. The application must be submitted on a concise form prescribed by the Department. The application:

(a) Must not be unduly burdensome on the parent to fill out; and

(b) Must not require the pupil to sign the application or otherwise require the pupil to grant permission for the parent to represent the pupil's educational interests.

3. If the school district or charter school grants an application, the parent shall continue to represent the educational interests of the pupil until:

(a) The pupil receives a standard high school diploma ; ~~for an adjusted diploma;~~

(b) The pupil is no longer enrolled in a program of special education pursuant to NRS 388.440 to 388.5317, inclusive; or

(c) The parent elects to transfer the right to represent educational interests to the pupil.

4. A parent or a pupil may appeal a determination made pursuant to this section in accordance with the procedure used by the Department for administrative complaints.

5. The State Board shall adopt regulations to carry out this section and NRS 388.492, including, without limitation, the establishment of criteria for determining whether the status of a pupil with a disability is such that his or her parent is authorized to submit an application to represent the educational interests of the pupil pursuant to this section.

**Sec. 4.** NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Intellectual disabilities.

(f) Multiple impairments.

(g) ~~{}Serious emotional}~~ *Emotional* disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must ~~provide:~~

~~—(a) That a pupil cannot be denied the opportunity for instruction in a particular communication mode solely because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil’s individualized education program team; and~~

~~—(b) That, to the extent feasible, as determined by the board of trustees of the school district, a school is required to provide instruction to those pupils in more than one communication mode.]~~ **comply with:**

**(a) *The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto;***

**(b) *The effective communication requirement of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq., and the regulations adopted pursuant thereto; and***

**(c) *Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and the regulations adopted pursuant thereto.***

6. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

7. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

8. The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.

**Sec. 5.** This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 675 clarifies that “pupil with a disability” means “a child with a disability” who is under 22 years of age.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 48.

Bill read second time and ordered to third reading.

Senate Bill No. 87.

Bill read second time and ordered to third reading.



Senate Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 687.

AN ACT relating to motor vehicles; revising provisions governing the issuance by the Department of Motor Vehicles of a refund or credit for certain fees and taxes paid upon the transfer or cancellation of vehicle registration in certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, a person who has registered his or her vehicle with the Department of Motor Vehicles may transfer that registration to another vehicle upon filing an application for transfer of registration. In computing the registration fee and governmental services tax due on the vehicle to which the registration is transferred, the Department must credit against the amounts due the portion of the registration fee and governmental services tax paid on the vehicle from which the registration is being transferred attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis. If the amount owed on the registration fee or governmental services tax on the vehicle to which the registration is transferred is less than the credit on the registration fee or governmental services tax paid on the vehicle from which the registration is transferred, no refund may be allowed by the Department. (NRS 482.399) **Section 1** of this bill provides that, if the amount owed on the registration fee or governmental services tax on the vehicle to which the registration is transferred is less than the credit on the registration fee or governmental services tax paid on the vehicle from which the registration is transferred, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the registration was transferred was due to expire.

Existing law also provides that a person who cancels his or her registration and surrenders to the Department the license plates for that vehicle under certain circumstances may be eligible for a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. To be eligible for such a refund, the amount of the refund must exceed \$100 and the person must: (1) request the refund at the time the registration is cancelled and the license plates are returned; (2) be a resident of this State; and (3) provide evidence to the Department of extenuating circumstances. (NRS 482.399) **Section 1** provides that the Department must issue to a person who is not eligible for such a refund a credit equal to the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person and any unused portion

of the credit expires on the date the registration of the vehicle from which the person obtained the refund was due to expire.

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

**Section 1.** NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, ~~no refund may be allowed by the Department.~~ ***the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.***

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, ~~and~~ subsection 7 of NRS 482.260 ~~and~~ ***subsection 3 of NRS 482.483***, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall ~~issue~~:

(a) ***In*** accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis ~~and~~; ***or***

(b) ***If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.***

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

**Sec. 2.** NRS 482.483 is hereby amended to read as follows:

482.483 In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department:

1. Except as otherwise provided in subsection 3, for every trailer or semitrailer having an unladen weight of 1,000 pounds or less, a flat registration fee of \$12.

2. Except as otherwise provided in subsection 3, for every trailer having an unladen weight of more than 1,000 pounds, a flat registration fee of \$24.

3. For any full trailer or semitrailer, other than a recreational vehicle or travel trailer, for a nontransferable registration that does not expire until the owner transfers the ownership of the full trailer or semitrailer, a flat nonrefundable registration fee of \$24. If, pursuant to NRS 482.399, the owner of a full trailer or semitrailer that is registered pursuant to this section cancels the registration and surrenders the license plates to the Department, no portion of the flat registration fee will be refunded *or credited* to the owner.

**Sec. 3. As soon as practicable, but not later than January 1, 2016, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

**Sec. 4. This act becomes effective:**

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

**2. For all other purposes, upon the earlier of:**

**(a) January 1, 2016; or**

**(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 3 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.**

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 687 to Senate Bill 127 changes the effective date of the bill from October 1, 2015, to upon passage and approval for purposes of performing preparatory administrative tasks necessary to carry out the provisions of the bill, and for all other purposes, the earlier of January 1, 2016, 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.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 688.

AN ACT relating to motor vehicles; providing that a person who drives through a roadblock established because of flooding is liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; **providing an exception**; providing that a person convicted of reckless driving for driving a vehicle into an area that is temporarily covered with water may be liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, police officers may establish temporary roadblocks upon the highways of this State to control traffic at or near the scene of a potential or existing emergency or hazard. (NRS 484B.573) A person who unlawfully proceeds through a temporary roadblock shall be punished for a gross misdemeanor, or for a category B felony if the person is the direct cause of a death or substantial bodily harm to any person or damage to property in excess of \$1,000. (NRS 484B.580) This bill provides that a person who unlawfully proceeds through a temporary roadblock that is established because of flooding or water on the roadway is liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; (2) move or remove the vehicle from the roadway or any area near the roadway where the vehicle creates a hazard; or (3) both (1) and (2). **A person is immune from liability for such expenses if the person unlawfully proceeds through a temporary roadblock for the purpose of making a good faith effort to assist another person who is or appears to be in danger as a result of flooding or water on the roadway.**

Existing law provides that certain acts constitute reckless driving, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, or willfully failing or refusing to stop a vehicle when given certain signals by a peace officer. (NRS 484B.550, 484B.653) This bill provides that a person who is convicted of reckless driving for driving a vehicle into any area that is temporarily covered as a result of a rise in water level may be liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; (2) move or remove the vehicle from the area; or (3) both (1) and (2).

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

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

**1. Except as otherwise provided in ~~subsection~~ subsections 4 ~~and~~ and 5, a person who, as described in NRS 484B.580, unlawfully proceeds or travels through a temporary roadblock established pursuant to NRS 484B.573 because of flooding or water on the roadway, is liable for the expenses of any emergency response that is required to:**

- (a) Remove the driver or any passenger from the vehicle;
- (b) Move or remove the vehicle that becomes inoperable from the roadway or any area near the roadway where the vehicle creates a hazard; or
- (c) Both (a) and (b).

**2. Except as otherwise provided in subsection 4, a person who is convicted of reckless driving pursuant to NRS 484B.653 for driving a vehicle into any area that is temporarily covered by a rise in water level as a result of flooding or any other cause, may be liable for the expenses of any emergency response that is required to:**

- (a) Remove the driver or any passenger from the vehicle;
  - (b) Move or remove the vehicle that becomes inoperable from the area;
- or
- (c) Both (a) and (b).

**3. The liability imposed by this section is in addition to and does not limit any other liability that may be imposed in accordance with law.**

**4. A person's liability for the expenses of any emergency response pursuant to this section must not exceed \$2,000 for a single incident.**

**5. A person who violates subsection 1 as a result of making a good faith effort to assist a person who is or appears to be in danger because of flooding or water on the roadway is immune from the liability imposed by this section.**

**6. An insurance policy may exclude coverage for a person's liability for the expenses of any emergency response as described in this section.**

**~~6~~ 7. The expenses of any emergency response pursuant to this section are a charge against the person liable for those expenses in accordance with this section. The charge constitutes a debt of that person and may be collected proportionately by the public entities, for profit entities or nonprofit entities that incurred the expenses.**

**~~7~~ 8. As used in this section:**

(a) "Expenses of any emergency response" means all reasonable costs and expenses directly incurred by any entity making an appropriate emergency response and removing a person from a vehicle or moving or removing a vehicle pursuant to subsection 1 or 2. The term includes, without limitation:

(1) The salary or wages of any person participating in the emergency response;

(2) *The deemed wages of any volunteer of a public entity participating in the emergency response; and*

(3) *The costs for the use or operation of any equipment used in the emergency response, including, without limitation, the cost of fuel for the equipment.*

(b) *The term does not include any fees or charges assessed for the use of an air ambulance or ambulance, as those terms are defined in NRS 450B.030 and 450B.040, respectively.*

**Sec. 2. This act becomes effective on July 1, 2015.**

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 688 makes two changes to Senate Bill 156. It clarifies that a good Samaritan who ventures into a flood zone in an effort to help another stranded driver, becomes stranded, and needs rescue will not be cited under the provisions of the bill. It also changes the effective date from October 1, 2015, to July 1, 2015.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 157.

Bill read second time and ordered to third reading.

Senate Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 666.

SUMMARY—Requires certain notice to be provided to certain parents and legal guardians when a new charter school will begin accepting applications or an existing charter school expands enrollment **by a certain percentage** or opens a new facility. (BDR 34-729)

AN ACT relating to education; requiring the governing body of a new charter school or a charter school that is expanding enrollment **by a certain percentage** or opening a new facility to provide notice concerning the application and enrollment process to parents or legal guardians who live within a certain distance from the charter school; revising provisions governing a lottery held to determine which applicants may enroll in a charter school; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) Existing law authorizes a charter school to enroll certain children before enrolling children who are otherwise eligible for enrollment and requires a charter school to determine which applicants to enroll on the basis of a lottery system in the event that more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available. (NRS 386.580) With certain exceptions,

**section 1** of this bill requires the governing body of a new charter school to send notice at least 45 days before the charter school begins accepting applications for enrollment to the home of the parent or legal guardian of any child who resides within 2 miles of the charter school stating when the charter school will begin accepting applications for enrollment and providing certain information concerning the application and enrollment process. **Section 1 also requires this notice to be sent when an existing charter school expands enrollment by at least 10 percent or opens a new facility and requires the notice to be provided in the languages primarily spoken in the households to which such notice is provided, to the extent practicable.** Section 3.5 of this bill requires a lottery held to determine which applicants may enroll in a charter school to occur not sooner than 45 days after the date on which the charter school begins accepting applications for enrollment unless the sponsor of a charter school determines there is good cause to hold it sooner.

Existing law authorizes the parent or legal guardian of any child who resides in this State to submit an application for enrollment in a charter school to the governing body of the charter school. (NRS 386.580) **Section 3.5** clarifies that a parent or legal guardian is authorized to submit such an application annually.

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

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

*1. Except as otherwise provided in this section, at least 45 days before a new charter school for which a contract has been executed pursuant to NRS 386.527 begins accepting applications for enrollment pursuant to NRS 386.580 or at least 45 days before a charter school that is expanding enrollment by at least 10 percent or opening a new facility begins accepting applications for enrollment pursuant to NRS 386.580, the governing body of the charter school shall make a reasonable effort to notify each household located within 2 miles from the charter school regarding:*

*(a) When the charter school will begin accepting applications for enrollment;*

*(b) How to apply for enrollment; and*

*(c) The process for enrollment of pupils.*

*2. If notifying each household within 2 miles from a charter school does not provide a sufficient population density, the governing body of the charter school and the sponsor of the charter school may agree to notify households that are located more than 2 miles from the charter school.*

*3. To the extent practicable, the notice provided pursuant to subsections 1 and 2 must be provided in the languages primarily spoken in the households to which such notice is provided.*

*4. A charter school that is not authorized to enroll more than 250 pupils for all facilities that the charter school operates is not required to comply with the provisions of subsection 1. If the charter school does not comply*



*with these provisions, the charter school must develop an alternative plan to inform households located in the area served by the charter school that it is accepting applications for enrollment.*

~~4.5.~~ *If the governing body of a charter school has not acquired a facility to operate the charter school at least 45 days before the date on which the charter school begins accepting applications for enrollment pursuant to NRS 386.580, the sponsor of the charter school may identify a location reasonably believed to be close to where the facility will be located and provide the notification required pursuant to subsection 1 to each household located within 2 miles from this location.*

~~5.6.~~ *The sponsor of a charter school may require the charter school to provide documentation of any effort to inform households located in the area served by the charter school that the charter school is accepting applications for enrollment, expanding enrollment or opening a new facility.*

~~6.7.~~ *The sponsor of a charter school may revise the timeline for notification prescribed in subsection 1 for good cause.*

**Sec. 2.** NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, **and section 1 of this act**, the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

**Sec. 2.5.** NRS 386.505 is hereby amended to read as follows:

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

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

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

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.649, inclusive, ~~4.1,~~ **and section 1 of this act.**

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection ~~5.6~~ of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

**Sec. 3.** NRS 386.551 is hereby amended to read as follows:

386.551 The provisions of NRS 386.490 to 386.649, inclusive, **and section 1 of this act**, and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State.

**Sec. 3.5.** NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted **annually** to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise

provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

- (a) Is a sibling of a pupil who is currently enrolled in the charter school;
- (b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;
- (c) Is a child of a person who is:
  - (1) Employed by the charter school;
  - (2) A member of the committee to form the charter school; or
  - (3) A member of the governing body of the charter school;
- (d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or
- (e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

↪ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection ~~[8.]~~ 9, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
  - (b) Gender;
  - (c) Religion;
  - (d) Ethnicity; or
  - (e) Disability,
- ↳ of a pupil.

4. *A lottery held pursuant to subsection 1 or 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.*

5. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

~~{5}~~ 6. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

- (a) Space for the child in the class or extracurricular activity is available;
- (b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and
- (c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

↳ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

~~{6}~~ 7. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection ~~{5}~~ 6 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

~~{7}~~ 8. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection ~~{5}~~ 6, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

~~{8}~~ 9. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;
- (b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or
- (c) Who are at risk.

↪ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

**Sec. 3.7.** NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.
- (e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.
- (f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~{5}~~ 6 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

↪ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

**Sec. 3.8.** NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year,

including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection ~~5~~ 6 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

**Sec. 4.** This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

## ASSEMBLYWOMAN WOODBURY:

Amendment 666 requires the governing body of a new charter school or charter school that is expanding enrollment by at least 10 percent to notify households within two miles of the school. To the extent practicable, the notice provided must be in the languages primarily spoken in the households within the notification area.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 246.

Bill read second time and ordered to third reading.

Senate Bill No. 248.

Bill read second time and ordered to third reading.

Senate Bill No. 249.

Bill read second time and ordered to third reading.

Senate Bill No. 251.

Bill read second time and ordered to third reading.

Senate Bill No. 256.

Bill read second time and ordered to third reading.

Senate Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 683.

AN ACT relating to animals; ~~authorizing~~ **requiring** certain research facilities to offer certain dogs and cats to an animal shelter or rescue organization for adoption before euthanizing or destroying such a dog or cat; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill ~~authorizes~~ **requires** certain research facilities to offer dogs and cats that are appropriate for adoption to an animal shelter or rescue organization before euthanizing or destroying such a dog or cat. This bill also provides that such a research facility and its officers, directors, employees and agents are immune from civil liability for any act or omission relating to such an adoption.

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

**Section 1.** Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A research facility that intends to euthanize a dog or cat for any purpose other than scientific, medical or educational research ~~may~~ shall, before euthanizing the dog or cat, offer the dog or cat for adoption if the dog or cat is appropriate for adoption. A research facility may offer the dog or*



*cat for adoption through a program of the research facility or enter into a collaborative agreement with an animal shelter that performs the work of an animal rescue organization or an animal rescue organization for the purpose of carrying out the provisions of this subsection. Any such animal shelter or animal rescue organization must be domiciled in Nevada and exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).*

*2. A research facility and any officer, director, employee or agent of the research facility is immune from civil liability for any act or omission relating to the adoption of a dog or cat pursuant to subsection 1.*

*3. As used in this section, “animal rescue organization” means a nonprofit organization established for the purpose of rescuing animals in need and finding permanent, adoptive homes for such animals.*

**Sec. 2.** NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[-]~~, **and section 1 of this act:**

1. “Animal” does not include the human race, but includes every other living creature.

2. “First responder” means a person who has successfully completed the national standard course for first responders.

3. “Police animal” means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. **“Research facility” means an organization that is engaged in:**

**(a) Animal research for the purpose of testing the performance, safety or quality of a product; or**

**(b) Scientific research for scientific, medical or educational purposes.**

5. “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

**Sec. 3.** NRS 574.200 is hereby amended to read as follows:

574.200 **1.** The provisions of NRS 574.050 to 574.510, inclusive, **and section 1 of this act** do not:

~~{1-}~~ **(a)** Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

~~{2-}~~ **(b)** Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

~~{3-}~~ **(c)** Interfere with the right to kill all animals and fowl used for food.

~~{4-}~~ **(d)** Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

~~{5-}~~ **(e)** Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

~~{6-}~~ **(f)** Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

*2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of section 1 of this act.*

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 683 changes "may" to "shall."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 288.

Bill read second time.

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

Amendment No. 703.

AN ACT relating to controlled substances; requiring each person who is authorized to prescribe or dispense a controlled substance to be provided access to the database of the computerized program to track prescriptions for certain controlled substances that are filled by pharmacies; requiring each ~~person~~ **practitioner** who is authorized to prescribe controlled substances to access the database ~~to~~ **and, to the extent that the program allows,** review certain information and verify to the Board that he or she continues to have access to the database; authorizing various professional licensing boards to take disciplinary action against a person who fails to comply with these requirements; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance. Persons who prescribe or dispense controlled substances can choose to access the database of the program and are given access to the database after receiving a course of training developed by the Board and the Division. (NRS 453.1545) **Section 2** of this bill requires any person who is authorized to prescribe or dispense controlled substances to receive such training and be given access to the database of the computer program. **Section 2** also requires each ~~person~~ **practitioner** who is authorized to prescribe controlled substances to the extent the program allows, to access the database of the computer program at least once every 6 months ~~to~~ **to** review the information concerning the ~~person~~ **practitioner** in the database and verify to the Board that the person continues to have access to the database. **Sections 7.1- ~~7.7~~ 7.6** of this bill authorize various professional licensing boards to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

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

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

**Sec. 2.** NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who ~~elects to~~ **is provided** access **to** the database of the program pursuant to ~~subsection 2,~~ **this section**, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. ~~The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each~~ **Each** practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV ~~who:~~

~~(a) Elects to access the database of the program; and~~

~~(b) Completes~~ **shall complete** the course of instruction described in subsection ~~7-~~ **8. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each such practitioner or other person who completes the course of instruction.**

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

4. *Each ~~person~~ practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV shall, to the extent the program allows, access the database of the program established pursuant to subsection 1 at least once each 6 months ~~and shall~~ to:*

(a) *Review the information concerning the ~~person~~ practitioner that is listed in the database and notify the Board if any such information is not correct; and*

(b) *Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.*

5. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~{5-}~~ 6. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

~~{6-}~~ 7. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~{7-}~~ 8. The Board and the Division shall cooperatively develop a course of training for persons who ~~elect~~ *are required to receive* access to the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

~~{8-}~~ 9. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

~~{9-}~~ 10. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 7.1.** NRS 630.3062 is hereby amended to read as follows:

630.3062 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

2. Altering medical records of a patient.

3. Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or willfully obstructing or inducing another to obstruct such filing.

4. Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061.

5. Failure to comply with the requirements of NRS 630.3068.

6. 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.

**7. *Failure to comply with the requirements of NRS 453.1545.***

**Sec. 7.2.** NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. 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) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) 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; or

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

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

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

**11. *Failure to comply with the provisions of NRS 453.1545.***

**Sec. 7.3.** 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; or

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

(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.

***(q) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.1545.***

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.

**Sec. 7.4.** NRS 633.511 is hereby amended to read as follows:

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

1. Unprofessional conduct.
2. Conviction of:
  - (a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
  - (b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;
  - (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
  - (d) Murder, voluntary manslaughter or mayhem;
  - (e) Any felony involving the use of a firearm or other deadly weapon;
  - (f) Assault with intent to kill or to commit sexual assault or mayhem;
  - (g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
  - (h) Abuse or neglect of a child or contributory delinquency; or
  - (i) Any offense involving moral turpitude.
3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.
4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.
5. Professional incompetence.
6. Failure to comply with the requirements of NRS 633.527.
7. Failure to comply with the requirements of subsection 3 of NRS 633.471.
8. Failure to comply with the provisions of NRS 633.694.
9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
  - (a) The license of the facility is suspended or revoked; or
  - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.↪ This subsection applies to an owner or other principal responsible for the operation of the facility.
10. Failure to comply with the provisions of subsection 2 of NRS 633.322.
11. Signing a blank prescription form.
12. 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) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) 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; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. 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. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. 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. 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. 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. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

**21. *Failure to comply with the provisions of NRS 453.1545.***

**Sec. 7.5.** NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) 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:

(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; or

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

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

(2) An act or omission occurs which results 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.

**(r) Failure to comply with the provisions of NRS 453.1545.**

**Sec. 7.6.** NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. 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) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) 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; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

- (a) The license of the facility is suspended or revoked; or
  - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
- ↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

**14. Failure to comply with the provisions of NRS 453.1545.**

**Sec. 7.7. ~~NRS 638.140 is hereby amended to read as follows:~~**

~~638.140 The following acts, among others, are grounds for disciplinary action:~~

~~1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;~~

~~2. Habitual drunkenness;~~

~~3. Addiction to the use of a controlled substance;~~

~~4. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;~~

~~5. Incompetence;~~

~~6. Negligence;~~

~~7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;~~

~~8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;~~

~~9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;~~

~~10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;~~

~~11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;~~

~~12. Willful failure to accept service by mail or in person from the Board;~~

~~13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and~~

~~14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.~~

~~15. Failure to comply with the provisions of NRS 453.1545.] (Deleted by amendment.)~~

**Sec. 8.** This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYWOMAN OSCARSON:

This amendment replaces the term “person” with “practitioner” and removes veterinarians from the requirements of the bill. It also clarifies to the extent the program allows, access to the database.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 289.

Bill read second time and ordered to third reading.

Senate Bill No. 373.

Bill read second time and ordered to third reading.

Senate Bill No. 384.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 5.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 21.

Resolution read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 303.

Bill read third time.

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

Amendment No. 673.

AN ACT relating to the protection of children; revising provisions relating to the circumstances under which a child is considered to be in need of protection; revising provisions concerning proceedings related to the termination of parental rights; revising the powers and duties of the Legislative Committee on Child Welfare and Juvenile Justice; and providing other matters properly relating thereto.

#### **Legislative Counsel’s Digest:**

Existing law sets forth the circumstances under which a child is or may be in need of protection. (NRS 432B.330) Those circumstances are considered, without limitation, by: (1) an agency which provides child welfare services to

determine whether to file a petition in juvenile court alleging that a child is in need of protection; and (2) the juvenile court in an adjudicatory hearing to determine whether a child was in need of protection at the time the child was removed from the home. (NRS 62A.180, 432B.050, 432B.340, 432B.410, 432B.490, 432B.510, 432B.530) Under existing law, a child may be in need of protection if the person responsible for the welfare of the child is responsible for the abuse or neglect of another child who resided with that person. (NRS 432B.330) **Section 1** of this bill provides that a child is, rather than may be, in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services to address the abuse of the other child. **Section 1** also provides that a child may be in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, regardless of whether the person has successfully completed such a plan for services.

Existing law sets forth the grounds necessary to terminate parental rights, including, without limitation, conduct of a parent or parents that demonstrates a risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents. (NRS 128.105) **Section 3** of this bill requires a court to consider certain factors if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, before making a finding that parental conduct satisfies that provision. **Section 4** of this bill revises the conditions a court is required to consider in determining neglect by or unfitness of a parent for the purpose of proceedings regarding the termination of parental rights.

**Sections 4.3 and 4.5** of this bill add: (1) reviewing issues relating to the provision of foster care; and (2) proposing recommended legislation concerning that issue to the powers and duties of the Legislative Committee on Child Welfare and Juvenile Justice.

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

**Section 1.** NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

- (a) The child has been abandoned by a person responsible for the welfare of the child;
- (b) The child has been subjected to abuse or neglect by a person responsible for the welfare of the child;
- (c) The child is in the care of a person responsible for the welfare of the child and another child has ~~died~~:

(1) *Died* as a result of abuse or neglect by that person; *or*

(2) *Been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an*

**agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child;**

- (d) The child has been placed for care or adoption in violation of law; or
- (e) The child has been delivered to a provider of emergency services pursuant to NRS 432B.630.

2. A child may be in need of protection if the person responsible for the welfare of the child:

(a) Is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(b) Fails, although the person is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:

- (1) Food, clothing or shelter necessary for the child's health or safety;
- (2) Education as required by law; or
- (3) Adequate medical care; ~~or~~

(c) Has been responsible for the ~~abuse or~~ neglect of a child who has resided with that person ~~[-]~~; *or*

**(d) Has been responsible for the abuse of another child regardless of whether that person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child.**

3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

4. A child may be in need of protection if the child is identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

5. *As used in this section:*

(a) *"Abuse" means:*

(1) *Physical or mental injury of a nonaccidental nature; or*

(2) *Sexual abuse or sexual exploitation,*

**↪ of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm. The term does not include the actions described in subsection 2 of NRS 432B.020.**

(b) *"Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.*

(c) *"Neglect" means abandonment or failure to:*

(1) *Provide for the needs of a child set forth in paragraph (b) of subsection 2; or*

(2) *Provide proper care, control and supervision of a child as necessary for the well-being of the child because of the faults or habits of the person*

*responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.*

↪ *The term does not include the actions described in subsection 2 of NRS 432B.020.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 128.105 is hereby amended to read as follows:

128.105 *I.* The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for the termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 to 128.109, inclusive, and based on evidence and include a finding that:

~~1-1~~ (a) The best interests of the child would be served by the termination of parental rights; and

~~2-1~~ (b) The conduct of the parent or parents was the basis for a finding made pursuant to subsection 3 of NRS 432B.393 or demonstrated at least one of the following:

~~1(a)~~ (I) Abandonment of the child;

~~1(b)~~ (2) Neglect of the child;

~~1(c)~~ (3) Unfitness of the parent;

~~1(d)~~ (4) Failure of parental adjustment;

~~1(e)~~ (5) Risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents;

~~1(f)~~ (6) Only token efforts by the parent or parents:

~~1(f)(1)~~ (I) To support or communicate with the child;

~~1(f)(2)~~ (II) To prevent neglect of the child;

~~1(f)(3)~~ (III) To avoid being an unfit parent; or

~~1(f)(4)~~ (IV) To eliminate the risk of serious physical, mental or emotional injury to the child; or

~~1(g)~~ (7) With respect to termination of the parental rights of one parent, the abandonment by that parent.

*2. Before making a finding pursuant to subparagraph (5) of paragraph (b) of subsection 1, if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, the court shall consider, without limitation:*

*(a) The placement options for the child;*

*(b) The age of the child; and*

*(c) The developmental, cognitive and psychological needs of the child. ~~f~~*

~~*(d) Whether the child has formed a strong positive attachment or bond with the substitute caregiver; and*~~

~~*(e) Whether the removal of the child from the care of the substitute caregiver is likely to result in psychological harm to the child.*~~

Sec. 4. NRS 128.106 is hereby amended to read as follows:



128.106 In determining neglect by or unfitness of a parent, the court shall consider, without limitation, the following conditions which may diminish suitability as a parent:

1. Emotional illness, mental illness or mental deficiency of the parent which renders the parent consistently unable to care for the immediate and continuing physical or psychological needs of the child for extended periods of time. The provisions contained in NRS 128.109 apply to the case if the child has been placed outside his or her home pursuant to chapter 432B of NRS.

2. Conduct toward a child of a physically, emotionally or sexually cruel or abusive nature.

3. Conduct that violates any provision of NRS 200.463, 200.4631, 200.464 or 200.465.

4. Excessive use of intoxicating liquors, controlled substances or dangerous drugs which renders the parent consistently unable to care for the child.

5. Repeated or continuous failure by the parent, although physically and financially able, to provide the child with adequate food, clothing, shelter, education or other care and control necessary for the child's physical, mental and emotional health and development, but a person who, legitimately practicing his or her religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent parent.

6. Conviction of the parent for commission of a felony, if the facts of the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care and control to the extent necessary for the child's physical, mental or emotional health and development.

7. ~~Unexplained injury or death of a~~ ***Whether the child, a sibling of the child ~~or another child in the care of the parent suffered a physical injury resulting in substantial bodily harm, a near fatality or fatality for which the parent has no reasonable explanation and for which there is evidence that such physical injury or death would not have occurred absent abuse or neglect of the child by the parent.~~***

8. Inability of appropriate public or private agencies to reunite the family despite reasonable efforts on the part of the agencies.

9. ***As used in this section, "near fatality" has the meaning ascribed to it in NRS 432B.175.***

**Sec. 4.5.** NRS 128.109 is hereby amended to read as follows:

128.109 1. If a child has been placed outside of his or her home pursuant to chapter 432B of NRS, the following provisions must be applied to determine the conduct of the parent:

(a) If the child has resided outside of his or her home pursuant to that placement for 14 months of any 20 consecutive months, it must be presumed that the parent or parents have demonstrated only token efforts to care for the child as set forth in ***subparagraph (6) of paragraph ~~(f)~~ (b) of subsection ~~2~~ 1*** of NRS 128.105.

(b) If the parent or parents fail to comply substantially with the terms and conditions of a plan to reunite the family within 6 months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment as set forth in *subparagraph (4) of* paragraph ~~[(4)]~~ (b) of subsection ~~[2]~~ 1 of NRS 128.105.

2. If a child has been placed outside of his or her home pursuant to chapter 432B of NRS and has resided outside of his or her home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

3. The presumptions specified in subsections 1 and 2 must not be overcome or otherwise affected by evidence of failure of the State to provide services to the family.

**Sec. 4.7.** NRS 218E.715 is hereby amended to read as follows:

218E.715 The Committee shall evaluate and review issues relating to:

1. The provision of child welfare services in this State, including, without limitation:

- (a) Programs for the provision of child welfare services;
- (b) Licensing and reimbursement of providers of foster care;
- (c) *The provision of foster care, including, without limitation, reunification of foster children with a birth parent and adoption of foster children by a foster parent;*

(d) Mental health services; and

~~[(d)]~~ (e) Compliance with federal requirements regarding child welfare; and

2. Juvenile justice in this State, including, without limitation:

(a) The coordinated continuum of care in which community-based programs and services are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with the needs of each juvenile in the juvenile justice system;

(b) Individualized supervision, care and treatment to accommodate the individual needs and potential of the juvenile and the juvenile's family, and treatment programs which integrate the juvenile into situations of living and interacting that are compatible with a healthy, stable and familial environment;

(c) Programs for aftercare and reintegration in which juveniles will continue to receive treatment after their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;

(d) Overrepresentation and disparate treatment of minorities in the juvenile justice system, including, without limitation, a review of the various places where bias may influence decisions concerning minorities;

(e) Gender-specific services, including, without limitation, programs for female juvenile offenders which consider female development in their design and implementation and which address the needs of females, including issues relating to:

- (1) Victimization and abuse;
- (2) Substance abuse;
- (3) Mental health;
- (4) Education; and
- (5) Vocational and skills training;
- (f) The quality of care provided for juvenile offenders in state institutions and facilities, including, without limitation:
  - (1) The qualifications and training of staff;
  - (2) The documentation of the performance of state institutions and facilities;
  - (3) The coordination and collaboration of agencies; and
  - (4) The availability of services relating to mental health, substance abuse, education, vocational training and treatment of sex offenders and violent offenders;
- (g) The feasibility and necessity for the independent monitoring of state institutions and facilities for the quality of care provided to juvenile offenders; and
- (h) Programs developed in other states which provide a system of community-based programs that place juvenile offenders in more specialized programs according to the needs of the juveniles.

**Sec. 4.9.** NRS 218E.720 is hereby amended to read as follows:

218E.720 1. The Committee may:

- (a) Conduct investigations and hold hearings in connection with its duties pursuant to NRS 218E.715 and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;
- (b) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee; and
- (c) Propose recommended legislation concerning child welfare and juvenile justice to the Legislature ~~[-]~~ ***including, without limitation, recommended legislation concerning the provision of foster care as described in paragraph (c) of subsection 1 of NRS 218E.715.***

2. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the evaluation and review conducted pursuant to NRS 218E.715.

**Sec. 5.** This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment removes two provisions from the list of factors a court must consider for parental conduct when making a determination for termination of parental rights for a child who has been out of the care of a parent or guardian for at least 12 consecutive months.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 312.

Bill read third time.

Remarks by Assemblymen Joiner, Sprinkle, Neal, Wheeler, and Fiore.

ASSEMBLYWOMAN JOINER:

Senate Bill 312 imposes in a city that has created a certain taxing district to improve and maintain publicly owned facilities for tourism and entertainment; a \$2 per night surcharge for the rental of a room in a hotel in the district, other than a hotel that holds a nonrestricted gaming license, and an additional \$1 per night surcharge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. The measure further requires the board of county commissioners of a county in which is located a city that has created such a district to prescribe, by ordinance, the boundaries of a new district that is outside of the district currently existing and located within 20 miles of the boundaries of the existing district, and imposes a \$2 per night surcharge for the rental of a hotel room in the new district.

The bill also requires a county fair and recreation board to prescribe a procedure for the collection and enforcement of these surcharges and requires that the money from these surcharges be used to implement a strategic plan for the promotion of tourism in the region. These surcharges are not owed on any room that is provided to a guest free of charge.

A county fair and recreation board that collects any money from these surcharges must submit a report to the Legislature on or before January 15, 2021, and on or before January 15 of each fifth year thereafter that addresses the revenue collected and the expenditures made by the board to promote tourism in the region during the immediately preceding five years.

ASSEMBLYMAN SPRINKLE:

I rise in support of Senate Bill 312. First off, I really want to congratulate the different parties who came together in consensus with this. There were a lot of negotiations that went on. This bill came out in a form I do believe most people are happy with and will move forward with. Secondly, when you look at the economy of northern Nevada and where it is going, putting together a regional plan, a marketing plan, that is going to benefit everything in this region in the future is extremely important. I believe that is exactly what this bill does and what the funding mechanisms built into this bill do. I, for one, will be very interested and will have very close contact in watching what happens with this new marketing plan that is being proposed. I will stay on top of that. As a whole, this is a smart and a good direction for everybody in northern Nevada.

ASSEMBLYWOMAN NEAL:

I rise in reluctant support of Senate Bill 312. I had to think deeply about our CVA [Convention and Visitors Authority] and how they have used and managed funds in the past. But I am going to trust that going forward, this organization is going to be explicit to the provisions of section 4.5 of the bill, and my colleagues from Districts 24, 27, and 30 are going to act as watchdogs to make sure the money is used for the exact specific purposes set forth in the bill. Hopefully, the organization will start to be a functional versus a dysfunctional organization that manages and does what they need to do.

ASSEMBLYMAN WHEELER:

I want to congratulate the Chairman of Government Affairs, my colleague from District 33, who brought two sides together on this bill that we thought were never going to get together. He hashed it out and fought with them and really worked hard. I think he deserves a lot of thanks on getting an agreement from both sides on this bill.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 312. There was a lot of ruckus on this bill. I do not think the bill has come to where we need it, besides the fact it is a violation of the tax pledge. I will be a no. I urge my colleagues to vote no as well.

Roll call on Senate Bill No. 312:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Silberkraus, Titus, Wheeler—11.

Senate Bill No. 312 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

We discussed this bill yesterday when it was amended to put the correct numbers into the appropriation. If any member of the body has any questions, I would be happy to answer them.

Roll call on Assembly Bill No. 442:

YEAS—40.

NAYS—Shelton.

EXCUSED—Kirkpatrick.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 467, as amended, appropriates \$1,193,577 from the General Fund to the Department of Corrections for an unanticipated shortfall in transfers from the Inmate Welfare Account for prison medical care in Fiscal Year 2015.

Roll call on Assembly Bill No. 467:

YEAS—39.

NAYS—Moore, Shelton—2.

EXCUSED—Kirkpatrick.

Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

It is a great bill. The Department of Corrections has had some shortfalls due to overtime, and we need to pay the bills for the members of the Department of Corrections. I hope you will all support them as they have supported us.

Roll call on Assembly Bill No. 468:

YEAS—40.

NAYS—Shelton.

EXCUSED—Kirkpatrick.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 9 requires the Nevada Gaming Commission to adopt regulations encouraging manufacturers to develop and deploy gaming devices that incorporate innovative, alternative, and advanced technologies, including games of skill and hybrid games that may incorporate player skill in combination with other elements. The bill also requires regulation of associated equipment and support systems.

Roll call on Senate Bill No. 9:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 751.

AN ACT relating to search warrants; authorizing the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a search warrant may only be issued: (1) pursuant to an affidavit or affidavits sworn to before a magistrate and establishing the grounds for issuing the warrant; or (2) in lieu of an affidavit, pursuant to an oral statement taken by a magistrate, given under oath and filed with the clerk of the court. (NRS 179.045) This bill authorizes the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant.

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

**Section 1.** NRS 179.045 is hereby amended to read as follows:

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the

warrant or as provided in subsection ~~{2-}~~ 3. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

2. ***Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court ~~may~~ shall adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.***

3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

~~{3-}~~ 4. Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be unsealed.

~~{4-}~~ 5. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate who authorized the signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.

~~{5-}~~ 6. The warrant must be directed to a peace officer in the county where the warrant is to be executed. It must:

(a) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof; or

(b) Incorporate by reference the affidavit or oral statement upon which it is based.

↪ The warrant must command the officer to search forthwith the person or place named for the property specified.

~~{6-}~~ 7. The warrant must direct that it be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a showing of good cause therefor, inserts a direction that it be served at any time.

~~{7-}~~ 8. The warrant must designate the magistrate to whom it is to be returned.

9. ***As used in this section, "secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:***

(a) ***No person other than the intended recipient receives the information;***

*(b) The identity of the sender of the information can be authenticated;  
and*

*(c) The information which is received by the intended recipient is  
identical to the information that was sent.*

**Sec. 2.** This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This is a friendly amendment requested by the bill's sponsor. It simply changes language in section 1 from "the Nevada Supreme Court may adopt rules not inconsistent with the laws of this state" to "the Nevada Supreme Court shall adopt rules not inconsistent with the laws of this state."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 96.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 96 expands the authorized uses of money contained in the Fund for New Construction of Facilities for Prison Industries to include relocating, expanding, modifying, enhancing, or improving an existing program; purchasing or leasing equipment; paying for the operation of prison industries, including paying staff and offender wages when necessary; and paying for advertising and promotion of prison industry goods and services.

Depending on which of these activities the Director of the Department of Corrections wants to pay for with money from the Fund, the Director must submit a proposal to either the Committee on Industrial Programs, the State Board of Examiners, or both. If the Director uses money from the Fund to pay for operations, including staff and offender wages, the Director must repay the money as soon as funds are available in the separate Fund for Prison Industries. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 96:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 124 authorizes the State Gaming Control Board to allow a gaming licensee to move its establishment to a location within one mile of its existing location and transfer its nonrestricted license if the move and transfer are necessary because the existing location is adjacent to a military installation and the federal government has deemed the land in question necessary for the expansion of the military installation. This bill is effective upon passage and approval.



Roll call on Senate Bill No. 124:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 131 increases the compensation that must be paid to court reporters in state district courts for transcription and reporting services.

Roll call on Senate Bill No. 131:

YEAS—30.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Fiore, Jones, Shelton, Silberkraus, Titus—10.

EXCUSED—Kirkpatrick, Moore—2.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 135 allows a judge discretion to determine whether the interests of justice entitle an adverse party access to a piece of writing used by a witness to refresh his or her memory prior to giving testimony. If the judge determines access to the writing is necessary, the adverse party may have the writing produced at a hearing, inspect it, cross-examine the witness in regard to it, and introduce into evidence portions of the writing that may affect the witness's credibility. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 135:

YEAS—38.

NAYS—Armstrong, Edwards, Ellison—3.

EXCUSED—Kirkpatrick.

Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 147 requires each law enforcement agency to adopt policies setting forth when a peace officer must be trained in effective responses to incidents involving dogs, or where dogs are present. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 147:

YEAS—40.

NAYS—Titus.

EXCUSED—Kirkpatrick.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 186.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 186 enacts provisions modeled after federal law to enable eligible parties that prevail over the State of Nevada in a criminal action to recover some or all of their attorney's fees and litigation expenses if a court finds that the State's action was vexatious, frivolous, or in bad faith. These provisions apply to actions pending or brought on or after October 1, 2015. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 186:

YEAS—42.

NAYS—None.

Senate Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 191 establishes procedures by which a person aggrieved by an unlawful search and seizure or by the deprivation of property may move a court for the return of the property. The measure also sets forth the conditions under which such property will be inadmissible as evidence or is to remain accessible to the court for use in future proceedings. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 212 expands the authority of a school district superintendent to modify a required suspension or expulsion, for good cause, if a pupil commits a battery that results in bodily injury of a school employee, sells or distributes a controlled substance, or is deemed a habitual disciplinary problem. Such a modification must be made in writing.

The bill also clarifies the nature of certain offences and repeals the provision making it a misdemeanor to disturb the peace of any public school by using vile or indecent language within the building or grounds of a school. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 212:

YEAS—39.

NAYS—Benitez-Thompson, Bustamante Adams, Neal—3.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed.

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 12:53 p.m.

#### ASSEMBLY IN SESSION

At 1:02 p.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 229, 268, 310, 313, 322, 354, 389, 390, 419, 476; Senate Joint Resolutions Nos. 2 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### NOTICE OF EXEMPTION

May 14, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 278.

MARK KRMPOTIC  
*Fiscal Analysis Division*

#### REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following remarks be entered in the journal.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Many of you will recall the floor session held in the historic Assembly Chamber when our Democratic leader announced the donation of a series of historical panels to celebrate the 150th anniversary of Nevada's statehood. Today, it is my pleasure to donate the next panel in the series, this one touching on legislation that was passed out of the Government Affairs Committee and its predecessor committees. Highlights from the panel include some history on the creation of Clark County in 1909 and the incorporation of Las Vegas two years later and the declaration of the public policy of the Legislature in 1969 to "promote the educational, cultural, economic and general welfare and safety of the public through the preservation and protection of structures, sites and areas of historic interest and scenic beauty." The panel also includes highlights of the history of our two major airports, which originally started out as air mail fields. Washoe County's first airport was located along what is now Plumas Street. In addition, the panel highlights the consolidation of Ormsby County and Carson City, which required a constitutional amendment,

and the Nevada Jobs First bill sponsored by my colleague from Assembly District 1 to give preferences in bidding to businesses that employ Nevada workers.

I hope you all enjoy learning about the contributions of legislators who served before us.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Jericha Deaux.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Jones and Avianna Jones.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Thom, Cindy Benjamin, Trinity Thom, Chris Millican, Vicki Palmer, and Krysta Palmer.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Bunce.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Harriet Treem Elementary School: Aaron Jon Coyco, Aaron Santana, Abigail Kilgore, Ashley Ruiz, Brianna Lionel, Brooklynn Martinez, Calvin Papp, Denise Barroso, Hailee Johnson, Javon Holloway, Londyn Southwick, Nathan De La Cruz, Sienna Paredes, Xavier Hernandez, Aryanna Wolfe, Jeffery Zuniga, Jerimyah Rhines, Jordan Howard, Oliver (Scotty) Hannack, Rosa Juarez Baez, A'janay Stewart, Danyel Alvarez, Dorian Payton-Sherman, Jaden Rohleder, Jenna Lucas, Kady Schnel, Kristine Ladislao, Landon Wymer, Madison Prehn, Myka Gonzalez, Naryah Harper Waters, Riley Moore, Samantha Sandoval-Leyva, Amos Oyson, Berlin Zimbelman, Christopher Aguayo, Daniel Rouleau, Gabriel Jimenez, Jacob Rohleder, Jayana Biscardi, Luca Irace, Paige Bayusz -Sell, Vincent Galvez, and Reagan Johnson.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, May 15, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:12 p.m.

Approved:

JOHN HAMBRICK  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*