

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 31, 2015

Senate called to order at 11:26 a.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Father, we come to You, today, seeking Your guidance. We ask Your Holy Spirit to unite, comfort, empower, encourage and strengthen our leaders to be faithful to their State and its people. We ask for You to bless them as each of them has sacrificed to serve their communities. Bless their families and homes as well. Protect them, be with them, and give them a clear vision for the future of our State.

Father, we pray these things in the precious Name of Jesus.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess 11:36 a.m.

SENATE IN SESSION

At 11:38 a.m.

President Hutchison presiding.

Quorum present

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 50, 87, 217, 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Senate Bills Nos. 2, 127, 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SCOTT HAMMOND, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 30, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 180.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved, in accordance with Senate Standing Rule No. 50 and the notice to withdraw announced on the previous legislative day, that Senate Bill No. 314 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Finance.

Motion carried.

Senator Goicoechea moved that Senate Bill No. 420, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 180.

Senator Kieckhefer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 47.

SUMMARY—Authorizes a deputy director of the Department of Corrections to accept part-time employment as an instructor at an institution of higher education. (BDR 16-339)

AN ACT relating to the Department of Corrections; authorizing a deputy director of the Department to accept part-time employment as an instructor at an institution of higher education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a deputy director of the Department of Corrections from engaging in any other gainful employment or occupation. (NRS 209.151) This bill provides an exception to allow a deputy director of the Department to accept part-time employment as an instructor at an institution of higher education.

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

Section 1. NRS 209.151 is hereby amended to read as follows:

209.151 1. The Director shall appoint a Deputy Director for Industrial Programs who:

(a) Is responsible to the Director for the administration of all industrial, vocational and agricultural programs for the employment of offenders, except conservation camps and centers for the purpose of making restitution; and

(b) Shall enforce all policies and regulations of the Department relating to industrial, vocational and agricultural programs.

2. In addition to the Deputy Director appointed pursuant to subsection 1, the Director shall appoint such other deputy directors as are necessary.

3. During any absence of the Director, the Director shall designate a deputy director or a warden to act as Director of the Department without increase in salary.

4. The deputy directors ~~shall~~ :

(a) *Shall* carry out such administrative duties as may be assigned to them by the Director ; and

(b) *Except as otherwise provided in this paragraph*, shall not engage in any other gainful employment or occupation. *A deputy director may accept part-time employment as an instructor at an institution of higher education. As used in this paragraph, "institution of higher education" means a university, college or community college which is privately owned or which is part of the Nevada System of Higher Education.*

Sec. 2. This act becomes effective ~~[on July 1, 2015.]~~ upon passage and approval.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment clarifies that a deputy director of the Department of Corrections is authorized to accept "part-time" employment as an instructor at an institution of higher education. It also changes the effective date of the bill from July 1, 2015, to "upon passage and approval."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 26.

Bill read second time.

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

Amendment No. 105.

SUMMARY—Revises provisions governing the collection of debts by the State Controller. (BDR 31-499)

AN ACT relating to state financial administration; authorizing the State Controller to withhold income from the wages of a person who owes a debt to a state agency after a judgment has been obtained against the person; authorizing the imposition of a fine and punitive damages against an

employer under certain circumstances; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to furnish certain records to the State Controller upon request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure by which the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation may require any employer to withhold income from a person's wages to satisfy certain judgments. (NRS 612.7102-612.7116) This bill authorizes the State Controller to use the same procedure to withhold income from the wages of certain persons who owe a debt to a state agency.

Existing law requires the State Controller to act as the collection agent for each agency, bureau, board, commission, department and division of the Executive Department of State Government. (NRS 353C.195) In doing so, the State Controller is authorized to request the Attorney General to bring an action against a person who owes a debt to such an agency, bureau, board, commission, department or division or, in certain circumstances, request a court to enter summary judgment against such a debtor. (NRS 353C.140, 353C.150) Section 2 of this bill provides that if the State Controller obtains a judgment against a person for a debt, the State Controller may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it over to the State Controller. ~~[Section]~~ Before the State Controller may require an employer to withhold income from the person's wages, section 2 requires the State Controller to send a notice to the person explaining that wages will be withheld unless the person: (1) enters into an installment agreement for the payment of the debt; or (2) pays the debt in full. If the person does not enter into an installment agreement or pay the debt in full, section 3 of this bill requires the State Controller to provide additional notice [of certain information] to [a] the person [whose income is being withheld, including the fact that the person's income is being withheld.] that wages will be withheld from the person's income to pay the debt. Section 3.5 of this bill authorizes a person to contest the withholding of income on the grounds that the withholding of income will cause a financial hardship to the person and sets forth the procedure for the State Controller to determine the contest. Section 4 of this bill requires the State Controller to provide to the employer of such a person notice to withhold income . [, which must include the amount of income to be withheld and certain other information.] Section 5 of this bill requires an employer to : (1) calculate the amount of the withholding; or (2) request that the State Controller calculate the amount of the withholding. Section 5 also requires the employer to withhold the amount of income [specified in the notice] calculated by the employer or State Controller, as applicable, and deliver the money to the State Controller . [, and section] Section 6 of this bill prescribes procedures concerning the delivery of the money. Section 7 of this bill: (1) prohibits an employer from

using the withholding of income to collect an obligation to pay money to the State Controller as a basis for refusing to hire a potential employee, discharging an employee or taking disciplinary action against an employee; and (2) provides an administrative fine of \$1,000 for the violation of this prohibition. Section 7 also provides for the imposition of punitive damages against an employer who wrongfully refuses to withhold income after receiving a notice from the State Controller requiring the employer to do so or knowingly misrepresents the income of an employee. Section 8 of this bill authorizes a court to issue an order directing such an employer to appear and show cause why he or she should not be subject to the imposition of certain penalties and, after such a hearing, to take certain action against the employer, including requiring the employer to pay those penalties. Section 9 of this bill exempts certain persons from civil liability under certain circumstances. Section 10 of this bill authorizes an agency, bureau, board, commission, department or division of the Executive Department of State Government to exercise any right or remedy conferred on the State Controller pursuant to sections 2-9 if the State Controller waives certain provisions or if the agency, bureau, board, commission, department or division does not assign a debt to the State Controller for collection. Section 11.5 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to furnish to the State Controller, upon request, the name, address and place of employment of any person listed in the records of the Division.

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

Section 1. Chapter 353C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. If an agency or the State Controller obtains a judgment against a person for a debt owed to an agency that has been assigned to the State Controller for collection pursuant to NRS 353C.195, the State Controller may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it over to the State Controller in accordance with the provisions of sections 2 to 9, inclusive, of this act.

2. Before the State Controller may require an employer of a person to withhold income from the person's wages and pay it over to the State Controller, the State Controller shall provide to the person a notice, sent by certified mail to the person's last known address, explaining that if the person does not:

(a) Enter into an agreement with the State Controller pursuant to NRS 353C.130 to provide for the payment of the debt, and any penalty and interest, on an installment basis; or

(b) Pay the debt in full, including, without limitation, any penalty and interest,

↪ within 15 days after the date on which the notice is postmarked, the State Controller will require each employer of the person to withhold income from the person's wages and turn it over to the State Controller in accordance with sections 2 to 9, inclusive, of this act.

3. If, within 15 days after the date on which the notice required pursuant to subsection 2 is postmarked, a person complies with the provisions of paragraph (a) or (b) of subsection 2, the State Controller may not require any employer of the person to withhold income from the person's wages.

Sec. 3. ~~The~~ Not earlier than 15 days after sending the notice required pursuant to subsection 2 of section 2 of this act, if the State Controller intends to require each employer of a person to withhold income from the person's wages and pay it over to the State Controller in accordance with the provisions of sections 2 to 9, inclusive, of this act, the State Controller ~~shall~~ must provide to ~~for~~ the person who is subject to the withholding of income ~~pursuant to section 2 of this act~~ a notice, sent by ~~first class~~ certified mail to the person's last known address:

1. That his or her income is ~~being~~ going to be withheld ~~for~~ not earlier than 15 days after the postmark of the notice sent pursuant to this section;

2. That a notice to withhold income applies to any current or subsequent employer;

3. That a notice to withhold income has been mailed to his or her employer;

4. Of the information provided to his or her employer pursuant to section 4 of this act;

5. That he or she may contest the withholding ~~for~~ pursuant to section 3.5 of this act; and

6. Of the grounds and procedures for contesting the withholding.

Sec. 3.5. 1. At any time after receiving the notice required pursuant to section 3 of this act, a person may file with the State Controller a contest to the withholding of income. If a person files a contest pursuant to this section, the State Controller must notify each employer of the person to which a notice was sent pursuant to section 4 of this act to discontinue the withholding pending the outcome of the contest.

2. The contest must be in writing, in the form prescribed by the State Controller, and include, without limitation:

(a) The grounds for contesting the withholding; and

(b) If the person is contesting the withholding on the grounds of financial hardship, evidence of how the withholding will cause a financial hardship to the person.

3. Upon receipt of a contest to the withholding of income, the State Controller:

(a) Shall:

(1) Consider the grounds for the contest stated by the person and any evidence submitted by the person, including, without limitation, any evidence submitted by the person that the withholding of income will cause a financial hardship to the person; and

(2) Meet with the person to discuss the person's contest of withholding. The meeting may take place in person, by telephone or by videoconference.

(b) May request additional information from the person related to whether the withholding of income will be a financial hardship to the person.

4. At a meeting held pursuant paragraph (b) of subsection 3, the State Controller shall offer the person an opportunity to:

(a) Enter into an agreement with the State Controller pursuant to NRS 353C.130 to provide for the payment of the debt, and any penalty and interest, on an installment basis.

(b) Pay the debt in full, including, without limitation, any penalty and interest.

(c) Prove to the satisfaction of the State Controller that the withholding of income of the person will cause a financial hardship to the person.

5. If a person contests the withholding of income on the grounds that the withholding will be a financial hardship, after the meeting held pursuant to paragraph (b) of subsection 3, the State Controller shall make a determination whether the withholding of income will cause a financial hardship to the person. If the State Controller determines that the withholding of income will cause a financial hardship to the person, the State Controller must reduce the withholding to an amount that will not cause a financial hardship to the person.

6. The State Controller shall send a notice, by certified mail, of the determination made by the State Controller related to the contest of withholding to:

(a) The person's last known address; and

(b) Each employer of the person.

Sec. 4. 1. The State Controller shall send, by ~~first class~~ certified mail, a notice to withhold income pursuant to section 2 of this act to each employer of the person who is subject to the withholding.

2. If an employer does not begin to withhold income from the person in accordance with section 5 of this act after receiving the notice to withhold income that was mailed pursuant to subsection 1, the State Controller shall send to the employer, by certified mail, return receipt requested, another notice to withhold income. The provisions of this subsection do not apply if the employer requests that the State Controller calculate the amount of the withholding pursuant to section 5 of this act.

3. A notice to withhold income pursuant to section 2 of this act must:

(a) Contain the social security number of the person who is subject to the withholding;

(b) Specify the total amount to be withheld from the income of the person, including any interest, penalties or assessments provided by law or costs incurred by the agency or State Controller in collecting the debt;

(c) Describe the limitation for withholding income prescribed in NRS 31.295;

(d) Describe the prohibition against terminating the employment of a person because of withholding and the penalties for wrongfully refusing to withhold in accordance with the notice to withhold income; ~~and~~

(e) Explain the duties of an employer upon the receipt of the notice to withhold income ~~+~~; and

(f) Explain that the employer may request that the State Controller calculate the amount of wages to be withheld from the person, subject to the limitation for withholding income prescribed in NRS 31.295, if the employer submits to the State Controller all information necessary for the State Controller to make the calculation.

Sec. 5. An employer who receives a notice to withhold income pursuant to section 2 of this act ~~shall:~~

~~1. Withhold:~~

1. Shall:

(a) Calculate the amount of income to be withheld from a person's wages during each pay period in accordance with the provisions of NRS 31.295 and subject to the limitation on withholding prescribed in that section; or

(b) Request that the State Controller calculate the amount of income to be withheld from a person's wages during each pay period in accordance with the provisions of NRS 31.295 and subject to the limitation on withholding prescribed in that section.

↪ For the purposes of this subsection, a withholding of income shall be deemed a garnishment of earnings.

2. Shall withhold the amount ~~stated in the notice from the income due to the person~~ calculated pursuant to:

(a) Paragraph (a) of subsection 1, beginning with the first pay period that occurs within 14 days after the date the notice was mailed to the employer ~~and continuing~~; or

(b) Paragraph (b) of subsection 1, beginning with the first pay period that occurs within 14 days after the State Controller notifies the employer of the amount to be withheld.

↪ as applicable.

3. Shall continue to withhold the amount calculated pursuant to subsection 1 until:

(a) The State Controller notifies the employer to discontinue the withholding; or

(b) The full amount required to be paid to the State Controller has been paid, as indicated by a written statement to the employer from the State Controller. ~~+~~

~~2. Calculate the amount of income to be withheld from a person's wages during each pay period in accordance with the provisions of NRS 31.295 and subject to the limitation on withholding prescribed in that section. For the purposes of this subsection, a withholding of income shall be deemed a garnishment of earnings;~~

~~3. Deliver~~

4. Shall deliver the money withheld to the State Controller within 7 days after the date of each payment of the regularly scheduled payroll of the employer ~~;~~ and

~~4. Notify~~

5. Shall notify the State Controller when the person subject to withholding terminates his or her employment and provide the last known address of the person and the name of any new employer of the person, if known.

Sec. 6. 1. A notice to withhold income pursuant to section 2 of this act is binding upon any employer of the person to whom it is mailed. To reimburse the employer for his or her costs in making the withholding, the employer may deduct \$3 from the amount paid to the person each time the employer makes a withholding.

2. Except as otherwise provided in subsection 3:

(a) An employer may deliver money withheld to the State Controller by check or electronic transfer of money.

(b) If an employer receives notices to withhold income pursuant to section 2 of this act for more than one employee, the employer may consolidate the amounts of money that are payable to the State Controller and pay those amounts with one check, but the employer shall attach to each check a statement identifying by name and social security number each person for whom payment is made and the amount transmitted for that person.

3. If the provisions of NRS 353.1467 apply, the employer shall make payment to the State Controller by any method of electronic transfer of money allowed by the State Controller. If an employer makes such payment by electronic transfer of money, the employer shall transmit separately the name and appropriate identification number, if any, of each person for whom payment is made and the amount transmitted for that person.

4. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 7. 1. It is unlawful for an employer to use the withholding of income to collect an obligation to pay money to the State Controller as a basis for refusing to hire a potential employee, discharging an employee or taking disciplinary action against an employee. Any employer who violates this section shall hire or reinstate any such employee with no loss of pay or benefits, is liable for any amounts not withheld and must be fined \$1,000. If an employee prevails in an action based on this section, the employer is

liable, in an amount not less than \$2,500, for payment of the employee's costs and attorney's fees incurred in that action.

2. If an employer wrongfully refuses to withhold income as required pursuant to sections 2 to 9, inclusive, of this act or knowingly misrepresents the income of an employee, the employer shall pay the amount the employer refused to withhold to the State Controller and may be ordered to pay punitive damages to the State Controller in an amount not to exceed \$1,000 for each pay period the employer failed to withhold income as required or knowingly misrepresented the income of the employee.

Sec. 8. 1. If an employer wrongfully refuses to withhold income as required pursuant to sections 2 to 9, inclusive, of this act after receiving a notice to withhold income that was sent by certified mail pursuant to section 3.5 or 4 of this act, or knowingly misrepresents the income of an employee, the State Controller may apply for and the court may issue an order directing the employer to appear and show cause why he or she should not be subject to the penalties prescribed in subsection 2 of section 7 of this act.

2. At the hearing on the order to show cause, the court, upon a finding that the employer wrongfully refused to withhold income as required or knowingly misrepresented an employee's income:

(a) May order the employer to comply with the requirements of sections 2 to 9, inclusive, of this act;

(b) May order the employer to provide accurate information concerning the employee's income;

(c) May impose penalties against the employer pursuant to subsection 2 of section 7 of this act; and

(d) Shall require the employer to pay the amount the employer failed or refused to withhold from the employee's income.

Sec. 9. 1. An employer who complies with a notice to withhold income pursuant to section 2 of this act that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.

2. Compliance by an employer with a notice to withhold income pursuant to section 2 of this act is a discharge of the employer's liability to the person as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the State Controller may not be held liable in any civil action to the person who is the subject of the withholding of income for any money withheld before the stay becomes effective.

Sec. 10. NRS 353C.195 is hereby amended to read as follows:

353C.195 Except as otherwise provided in this section or by a specific statute or federal law:

1. The State Controller shall act as the collection agent for each agency.

2. An agency shall coordinate all its debt collection efforts through the State Controller.

3. Unless an agency and the State Controller agree on a different time, an agency shall assign a debt to the State Controller for collection not later than 60 days after the debt becomes past due.

4. An agency shall not assign a debt to the State Controller for collection if the debt is administratively contested by the debtor. For the purposes of this subsection, a debt is not administratively contested if:

(a) The debtor and the agency have agreed on the existence and amount of the debt;

(b) The debtor has failed to contest timely the existence or amount of the debt in accordance with the administrative procedures prescribed by the agency; or

(c) The debtor has timely contested the debt in accordance with the administrative procedures prescribed by the agency and the agency has issued a final decision concerning the existence and amount of the debt.

5. Upon the request of an agency, the State Controller shall waive a requirement of this section:

(a) If the State Controller determines that the agency has the resources to engage in its own debt collection efforts; or

(b) For good cause shown.

6. If the State Controller waives the requirements of subsection 1 or 2 for an agency, the agency may exercise any right or remedy conferred on the State Controller pursuant to the provisions of NRS 353C.130 to 353C.180, inclusive, and 353C.200 to 353C.230, inclusive, *and sections 2 to 9, inclusive, of this act* to collect a debt.

7. An agency that is authorized by specific statute to collect a debt on behalf of or in trust for a particular person or entity may assign the debt to the State Controller for collection pursuant to this section. If such an agency does not assign a debt to the State Controller pursuant to this section, the agency may, in addition to any right or remedy conferred on the agency by specific statute to collect a debt, exercise any right or remedy conferred on the State Controller pursuant to the provisions of NRS 353C.130 to 353C.180, inclusive, and 353C.200 to 353C.230, inclusive, *and sections 2 to 9, inclusive, of this act* to collect the debt.

Sec. 11. NRS 353C.224 is hereby amended to read as follows:

353C.224 1. If the State Controller collects any money owed to an agency from a debtor or receives any money from *the employer of a debtor* or a private debt collector or other person to whom the State Controller has assigned the collection of a debt owed to an agency, the State Controller shall, unless prohibited by federal law, transfer the net amount of money owed to the agency:

(a) Except as otherwise provided in paragraph (c), to the Debt Recovery Account created by NRS 353C.226 if the debt is owed to an agency whose budget is supported exclusively or in part from the State General Fund.

(b) Except as otherwise provided in paragraph (c), to an account specified by the agency if the debt is owed to an agency whose budget is supported exclusively from sources other than the State General Fund.

(c) If a specific statute requires the money to be deposited in a specific account or used for a specific purpose, to the specific account required by statute or to the account from which money is expended for the purpose specified.

2. If the State Controller is unable to determine where to transfer the net amount of money collected pursuant to subsection 1, the money must be deposited in the Debt Recovery Account. If an agency disputes the decision to deposit the money in the Debt Recovery Account pursuant to this subsection, the agency may, not later than 60 days after the money is deposited in the Debt Recovery Account, submit a written request to the Interim Finance Committee seeking its determination of where the money collected pursuant to subsection 1 should be deposited. If an agency fails to submit such a written request timely, the money must remain in the Debt Recovery Account and be used in accordance with NRS 353C.226.

3. As used in this section, "net amount of money owed to the agency" means the money owed to an agency by a debtor that is collected or received by the State Controller minus:

(a) Any fees owed pursuant to a specific statute to the State Controller for collection of the debt;

(b) Any costs incurred or fees paid by the State Controller to collect any debt assigned to the State Controller for collection by the agency; and

(c) Any interest on the debt collected by the State Controller under the terms of an agreement with the debtor, pursuant to NRS 353C.130, for the payment of the debt on an installment basis.

Sec. 11.5. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and

industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government if, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment

status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any

person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

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

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 105 to Senate Bill No. 26 provides additional opportunities for a person whose debt to a State agency has been assigned to the State Controller to pay the debt, to set up a payment plan, or to contest the debt before the person's wages may be garnished. Further, it requires each notice sent by the State Controller to such a person to be sent by certified mail. The amendment also adds provisions to the Unemployment Compensation statutes to facilitate the process for the State Controller to obtain debtor information for the purpose of collecting State debt.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 48.

SUMMARY—Revises provisions governing state business licenses.
(BDR 7-368)

AN ACT relating to state business licenses; providing that a person is not required to obtain a state business license if the sole activity in this State of the person's business is to respond to a request for vehicles or equipment in response to certain emergencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a state business license and pay a fee before conducting business within this State, unless exempted from the business license requirement. (NRS 76.100) Existing law further prohibits a person from entering into a contract with the State of Nevada unless he or she holds a state business license. (NRS 353.007) Section 1 of this bill provides that a person is deemed not to be conducting business in this State, and thus is not required to obtain a state business license, if the sole activity of the person's business in this State is to provide, on a short-term basis, vehicles or equipment in response to a wildland fire, a flood, an earthquake or another emergency. Section 2 of this bill authorizes such a person to enter into a contract with the State of Nevada without obtaining a state business license.

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

Section 1. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$100; and

(d) Include any other information that the Secretary of State deems necessary.

↪ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person :

(a) ~~Shall~~ ~~shall~~ be deemed to conduct a business in this State if a business for which the person is responsible:

~~(a)~~ (1) Is organized pursuant to this title, other than a business organized pursuant to:

~~{(1)}~~ (I) Chapter 82 or 84 of NRS; or

~~{(2)}~~ (II) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) ~~{-}~~;

~~{(b)}~~ (2) Has an office or other base of operations in this State;

~~{(c)}~~ (3) Has a registered agent in this State; or

~~{(d)}~~ (4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid ~~{-}~~;

(b) *Shall be deemed not to conduct a business in this State if the business for which the person is responsible:*

(1) *Is not organized pursuant to this title;*

(2) *Does not have an office or base of operations in this State;*

(3) *Does not have a registered agent in this State;*

(4) *Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (5); and*

(5) *Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.*

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 2. NRS 353.007 is hereby amended to read as follows:

353.007 1. ~~{A}~~ *Except as otherwise provided in subsection 2, a person shall not enter into a contract with the State of Nevada unless the person is a holder of a state business license issued pursuant to chapter 76 of NRS.*

2. *A person who is not a holder of a state business license may enter into a contract with the State of Nevada if the business for which the person is responsible:*

(a) *Is not organized pursuant to title 7 of NRS;*

(b) *Does not have an office or base of operations in this State;*

(c) *Does not have a registered agent in this State;*

(d) *Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in paragraph (e); and*

(e) *Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.*

~~{2-}~~ 3. The provisions of this section apply to all offices, departments, divisions, boards, commissions, institutions, agencies or any other units of:

(a) The Legislative, Executive and Judicial Departments of the State Government;

(b) The Nevada System of Higher Education; and

(c) The Public Employees' Retirement System.

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

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 48 to Senate Bill No. 36 adds new language to the bill to ensure that a person who provides certain emergency services in this State and who is not required to have a State business license will be able to pay his or her employees without breaking State law.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 87.

SUMMARY—Revises provisions governing product liability.
(BDR 3-949)

AN ACT relating to product liability; prohibiting civil actions against certain sellers for product liability under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits, under certain circumstances, the commencement or maintenance of civil actions against certain sellers of products.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, no product liability action may be brought or maintained against a seller other than a manufacturer of the product.*

2. *The provisions of subsection 1 do not apply if:*

(a) *The seller exercised substantial control over the aspect of the manufacture, construction, design, formula, installation, preparation, assembly, testing, packaging, labeling, warnings or instructions of the product that was a proximate cause of the harm for which recovery is sought;*

(b) *The seller altered, modified or installed the product after the product left the possession of the manufacturer and the alteration, modification or installation was:*

(1) *Not authorized or requested by the manufacturer or not performed in compliance with the directions or specifications of the manufacturer; and*

(2) *A proximate cause of the harm for which recovery is sought;*

(c) *The seller resold the product after the product's first sale for use or consumption and the product was not in substantially the same condition as it was at the time the product left the possession of the manufacturer;*

(d) *The seller failed to exercise reasonable and product appropriate care in assembling, maintaining, storing, transporting or repairing the product or*

in conveying to the user or consumer of the product the manufacturer's labels, warnings or instructions and such failure was a proximate cause of the harm for which recovery is sought;

(e) The seller had actual knowledge of the defect;

(f) The seller made an express warranty regarding the product that was independent of any express warranty made by the manufacturer regarding the product, the product failed to conform to that express warranty by the seller and that failure was a proximate cause of the harm for which recovery is sought;

(g) The manufacturer cannot be identified;

(h) Jurisdiction over the manufacturer cannot be obtained in this State; or

(i) The manufacturer has been adjudicated ~~bankrupt and a judgment may not otherwise be recovered from the assets of the bankruptcy estate of the manufacturer.~~

~~3. The manufacturer of the product shall indemnify the seller for reasonable attorney's fees and costs incurred by the seller in responding to or defending an action described in subsection 1.~~

~~4. to be insolvent.~~

3. As used in this section:

(a) "Manufacturer" means a person who designs, assembles, fabricates, produces, constructs or otherwise prepares a product or a component part of a product before the sale of the product to a user or consumer. The term includes a seller who is owned in whole or significant part by the manufacturer or who owns in whole or significant part the manufacturer. The term does not include a seller who is not otherwise a manufacturer merely because the seller places or has placed his or her own brand or label on the product if the seller:

(1) Did not exercise substantial control as described in paragraph (a) of subsection 2; and

(2) Discloses the identity of the actual manufacturer of the product.

(b) "Product liability action" means any civil action brought against a manufacturer or seller of a product, regardless of the substantive legal theory or theories upon which the action is brought, for or on account of personal injury, death or property damage caused by or resulting from:

(1) The manufacture, construction, design, formula, installation, preparation, assembly, testing, packaging, labeling or sale of a product;

(2) The failure to warn or protect against a danger or hazard in the use, misuse or unintended use of a product; or

(3) The failure to provide proper instructions for the use of a product.

(c) "Seller" means a person, including, without limitation, a manufacturer, wholesaler, distributor or retailer, who is engaged in the business of selling or leasing any product for resale, use or consumption.

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

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment adds the terms "product appropriate" care, "storing" and "transporting" to the list of responsibilities a seller must reasonably exercise in order not to be held liable in a product liability action.

The amendment also replaces language regarding "bankruptcy" with the more general term "insolvent" so that the bill's provisions will be applicable in relation to foreign jurisdictions that may address this issue differently in law than does the State of Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 67.

SUMMARY—Revises provisions relating to insurance. (BDR 57-950)

AN ACT relating to insurance; ~~revising~~ repealing provisions governing the provision of medical records by a personal injury claimant or a claimant's attorney upon the request of an insurer or other party against whom a claim is asserted under a policy of insurance covering certain motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a party against whom a claim is asserted for personal injury under a policy of motor vehicle insurance covering a passenger car may require any attorney representing the claimant to provide to the party and his or her insurer or attorney, not more than once every 90 days, all medical reports, records and bills concerning the claim. In lieu of providing such reports, records and bills, the claimant or any attorney representing the claimant may provide a written authorization to receive the reports, records and bills from the provider of health care. Upon receipt of any photocopies of such reports, records and bills, the insurer who issued the policy must, upon request, immediately disclose to the insured or the claimant all pertinent facts or provisions of the policy relating to any coverage at issue. (NRS 690B.042) ~~This bill [provides that any written authorization provided by the claimant or any attorney representing the claimant must include the names and addresses of all relevant providers of health care to the claimant regarding the claim. This bill further provides that the medical reports, records and bills provided by any attorney representing the claimant or obtained pursuant to a written authorization provided by the claimant or any attorney representing the claimant must include all such reports, records and bills prepared by any provider of health care for the claimant concerning any injuries of the claimant or treatment provided to the claimant which is related to the incident which is the subject of the claim.~~

~~This bill further provides that, upon receipt of the medical reports, records and bills concerning the claim, the insurer has 30 days after a request in which to disclose to the insured or the claimant the pertinent facts and provisions of the policy.~~

~~Finally, this bill provides that if the party or the insurer or attorney of the party against whom the claim is asserted does not receive all medical reports, records and bills concerning the claim, the party or the insurer or attorney of the party may, upon petition, obtain an order from a court of competent jurisdiction requiring the provision of such reports, records and bills. In lieu of or in addition to any other sanction, a judge issuing such an order may require the claimant or any attorney representing the claimant to pay any reasonable expenses or attorney's fees incurred by the party or the insurer or attorney of the party due to the failure of the claimant or any attorney representing the claimant to comply with: (1) the requirements to provide all medical reports, records and bills concerning the claim; or (2) any order issued by the court.] repeals those provisions.~~

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

Section 1. ~~NRS 690B.042 is hereby amended to read as follows:~~

~~690B.042 1. Except as otherwise provided in subsection 2, any party against whom a claim is asserted for compensation or damages for personal injury under a policy of motor vehicle insurance covering a passenger car may require any attorney representing the claimant to provide to the party and the insurer or attorney of the party, not more than once every 90 days, all medical reports, records and bills concerning the claim.~~

~~2. In lieu of providing all medical reports, records and bills concerning the claim pursuant to subsection 1, the claimant or any attorney representing the claimant may provide to the party or the insurer or attorney of the party a written authorization to receive the reports, records and bills from all of the [provider] providers of health care [.] involved in the claim, which must include, without limitation, the names and addresses of all such providers of health care. At the written request of the claimant or the attorney of the claimant, copies of all medical reports, records and bills concerning the claim obtained pursuant to the authorization must be provided to the claimant or the attorney of the claimant within 30 days after the date they are received. If the claimant or the attorney of the claimant makes a written request for the reports, records and bills, the claimant or the attorney of the claimant shall pay for the reasonable costs of copying the reports, records and bills.~~

~~3. Upon receipt of [any] photocopies of all medical reports, records and bills [.] concerning the claim received pursuant to subsection 1 or a written authorization provided pursuant to subsection 2, the insurer who issued the policy specified in subsection 1 shall, upon request, [immediately] disclose to the insured or the claimant all pertinent facts or provisions of the policy relating to any coverage at issue [.] not later than 30 days after the request is received by the insurer.~~

~~4. If the party or the insurer or attorney of the party does not receive all medical reports, records and bills concerning the claim as provided in this section, the party or the insurer or attorney of the party may, upon petition, obtain an order from a court of competent jurisdiction requiring the claimant~~

~~or any attorney representing the claimant to meet the requirements of this section. In lieu of or in addition to any other sanction, a judge may require the claimant or any attorney representing the claimant to pay any reasonable expenses or attorney's fees incurred by the party or the insurer or attorney of the party because of the failure of the claimant or any attorney representing the claimant to comply with the provisions of this section or any order issued pursuant to this section.~~

~~5. As used in this section, "passenger":~~

~~(a) "All medical reports, records and bills concerning the claim" means all medical reports, records, bills and related documents prepared by any provider of health care for the claimant concerning any injuries of the claimant or treatment provided to the claimant which is related to the incident which is the subject of the claim.~~

~~(b) "Passenger car" has the meaning ascribed to it in NRS 482.087.]~~

~~(Deleted by amendment.)~~

~~Sec. 2. [This act becomes effective:~~

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

~~2. On January 1, 2016, for all other purposes.] (Deleted by amendment.)~~

~~Sec. 3. NRS 690B.042 is hereby repealed.~~

~~Sec. 4. This act becomes effective upon passage and approval.~~

TEXT OF REPEALED SECTION

690B.042 Claimant for damages for personal injury to provide medical reports, records and bills or authorization to receive reports, records and bills to opposing party upon request; insurer to disclose pertinent facts or provisions of policy relating to coverage at issue to insured or claimant upon request.

1. Except as otherwise provided in subsection 2, any party against whom a claim is asserted for compensation or damages for personal injury under a policy of motor vehicle insurance covering a passenger car may require any attorney representing the claimant to provide to the party and the insurer or attorney of the party, not more than once every 90 days, all medical reports, records and bills concerning the claim.

2. In lieu of providing medical reports, records and bills pursuant to subsection 1, the claimant or any attorney representing the claimant may provide to the party or the insurer or attorney of the party a written authorization to receive the reports, records and bills from the provider of health care. At the written request of the claimant or the attorney of the claimant, copies of all reports, records and bills obtained pursuant to the authorization must be provided to the claimant or the attorney of the claimant within 30 days after the date they are received. If the claimant or the attorney of the claimant makes a written request for the reports, records and bills, the claimant or the attorney of the claimant shall pay for the reasonable costs of copying the reports, records and bills.

3. Upon receipt of any photocopies of medical reports, records and bills, or a written authorization pursuant to subsection 2, the insurer who issued the policy specified in subsection 1 shall, upon request, immediately disclose to the insured or the claimant all pertinent facts or provisions of the policy relating to any coverage at issue.

4. As used in this section, "passenger car" has the meaning ascribed to it in NRS 482.087.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment repeals *Nevada Revised Statutes* 690B.042 concerning the provision of certain medical records in a motor vehicle-related personal injury claim. The amendment also makes the bill effective upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No 186.

Bill read second time and ordered to third reading.

Senate Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 122.

SUMMARY—Revises provisions relating to enrollment of pupils in charter schools. (BDR 34-183)

AN ACT relating to education; revising provisions relating to the enrollment of pupils in charter schools; 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) Before enrolling children who are otherwise eligible for enrollment, existing law authorizes a charter school to enroll a child if he or she is the child of: (1) an employee of 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. (NRS 386.580) This bill authorizes a charter school to give the same preference in enrollment provided to such children to a child of a person who resides on or is employed on a federal military installation if the charter school is located on such property. ~~[This bill also authorizes certain persons who sell or lease land to a charter school or governmental entity to be used for a charter school to designate an area in which any child who resides in that area may be enrolled in the charter school which operates on the land before other children, including children otherwise given preference in enrollment, may be enrolled.]~~

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

Section 1. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted 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 ~~subsections~~ 2 ~~and 3,~~ 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 ~~subsections~~ 2 ~~and 3,~~ 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 ~~Except as otherwise provided in subsection 3, 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~~ *Who is employed* by the charter school;
- (2) ~~A~~ *Who is a member of the committee to form the charter school;*

~~or~~

(3) ~~A~~ *Who is a member of the governing body of the charter school;*

or

(4) *Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;*

(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. ~~If a person sells or leases land to a charter school or governmental entity to be used for a charter school at a cost which is not more than 25 percent of the appraised value for the land, the person may designate an area in which any child who resides in that area may be enrolled in the charter school which operates on the land before other children may be enrolled.~~

~~4.~~ 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, ~~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. ~~7.7~~ 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. ~~6.7~~ 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. ~~8.7~~ 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. ~~6.7~~ 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. ~~9.7~~ 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. 2. This act becomes effective on July 1, 2015.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

This amendment removes the provision allowing a donor of land to a charter school to designate an area for enrollment preference at the school.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 230.

Bill read second time and ordered to third reading.

Senate Bill No. 240.

Bill read second time and ordered to third reading.

Senate Bill No. 297.

Bill read second time and ordered to third reading.

Senate Bill No. 362.

Bill read second time and ordered to third reading.

Senate Bill No. 449.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 230 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 4.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 4 exempts from the registration requirements with the Department of Wildlife any trap, snare or similar device used in the taking of a wild mammal if the device is used: 1) exclusively on private property by the owner or occupant of the property or with his or her permission if that property is posted or fenced in accordance with Nevada law; 2) for the control of rodents by an institution of the Nevada System of Higher Education; or 3) by any governmental agency. The bill also removes the requirement that an owner or occupant of property obtain a permit from the Department prior to taking or killing a fur-bearing mammal injuring that property or causing injury. This bill is effective upon passage and approval.

This is an issue that came up during the interim on the Legislative Commission where a piece of legislation that we passed previously created a situation where basically it said even mouse traps required trap registration. That was never our intent. This is seeking to try to fix some of those issues.

Roll call on Senate Bill No. 4:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 4 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 27 revises provisions governing the funding of administrative services required by the Commission for Cultural Affairs. In the past, they were only funded by using the interest from the bond sales. We have now authorized that they can use up to 5 percent of the actual bond amount itself for administrative services. Clearly, the interest rates are not what they used to be. This act was brought forth in 1991 with Assembly Bill 590. It is the only way they can cover their costs.

Roll call on Senate Bill No. 27:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 27 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Kihuen requested that his remarks be entered in the Journal.

Today would have been the birthday of a legendary civil rights icon, Cesar Chavez. As many of you know, I am the son of a farm worker. My father worked in the fields of California picking strawberries, lettuce and many other fruits and vegetables. In 2009, when I was in the Assembly, we passed a bill naming March 31 as Cesar Chavez Day in the State of Nevada. I stand to recognize his legacy and all the work he did in the fields of California. My parents were able to have better working conditions and better pay because of his work, and because of that, I am where I am today. I want to recognize his legacy and say thank you.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to Camila Moncayo.

On request of Senator Farley, the privilege of the floor of the Senate Chamber for this day was extended to Nick Leleu.

On request of Senator Ford, the privilege of the floor of the Senate Chamber for this day was extended to Kathy McCormick and Rick Casazza.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Tomas Hammond.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Tyler Gentry, Leslie Velasquez and Graham Griffin.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to April West-Kieckhefer, Aspen Kieckhefer, Austin Kieckhefer, Lincoln Kieckhefer and Lucerne Kieckhefer.

On request of Senator Kihuen, the privilege of the floor of the Senate Chamber for this day was extended to Lisa Muntean and Itzel Perez.

On request of Senator Manendo, the privilege of the floor of the Senate Chamber for this day was extended to Gary Webster.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Camden Altringer, Lily Baggett, Matthew Bailey, Connor Baker, Evelyn Baker, Amber Barkdoll, Matthew Beam, Kasen Boggs, Dylan Biasotti, Ian Boddy, Reagan Brown, Soleil Cariaga, Julia Clark, Samantha De La Cruz, Bianca Pina Duarte, Julianne Ellis, Kaleb Estes, Jeramiah Evans, Grady Frensdorff, Independence Gesselman, Nataly Garcia, Rosita Garcia, Averi Hardiman, Ryan Hays, Ryan Henman, Shelby Hern, Ivette Baltazar Hernandez, Lance Hounsell, Joshua Jackson, Ruby Jacobsen, Timin Jain, Tovin Kahabka, Padric Kennedy, Allan Larios, Logan Laxagve, Lillian Lewallen, Jacob Lewallen, Samantha

Lindsay, Michael McAlpin, Eva McNinch, Norma Mendiola, Maliana Mullins, Julia Nair, Timothy Norkunas, Bryce O'Laughlin, Karla Partida, Emmanuel Perez-Soto, Samantha Pomeroy, Zachary Schortgen, Addison Stuart, Ahren Wallace, Kemper Wilson, Katelynn Wing, Joaquin Perez Soto, Steven Phelan, Lucas Slater, Peyton VanPelt and Kaden Zigenis.

On request of President Hutchison, the privilege of the floor of the Senate Chamber for this day was extended to the Girl Scout Troops from Sparks and Las Vegas.

Senator Roberson moved that the Senate adjourn until Wednesday, April 1, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:58 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate