

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 7, 2015

Senate called to order at 11:47 a.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, we are thankful to You for placing each one of us into the position of guiding this State. Be with our families as we are away from them. Send Your Spirit into this Chamber so we may do the very best we can for the citizens we serve.

As we see legislation before us during this Legislative Session, may we look critically and carefully at each item to guide our decisions. As we discuss and vote on the legislation before us, may we make our decisions for the betterment of the State and its people.

Thank you for the fellow Senators in this Chamber and may the work we do together, today, in this Senate Session set a pattern that will improve the lives of all Nevadans. All these things we bring to You, trusting in Your love, grace and mercy.

In Jesus' Name, we pray.

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.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 93, 147, 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 72, 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 Health and Human Services, to which were referred Senate Bills Nos. 7, 15, 49, 177, 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, Your Committee on Health and Human Services, to which was referred Senate Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, re-refer to the Committee on Finance.

JOSEPH P. HARDY, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 307; Senate Joint Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PATRICIA FARLEY, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 6, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 69, 74, 90, 148, 175.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Hardy moved that Senate Bill No. 364, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Roberson moved that Senate Bill No. 59 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Hardy moved that Senate Bill No. 181 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Roberson announced that the notice issued on February 5, 2015, appointing Senator Ford as an alternate member to the Committee on Finance on behalf of Senator Smith be rescinded as Senator Smith will serve as originally appointed.

Senator Farley gave notice, per Senate Standing Rule No. 50, to withdraw Senate Bill No. 276 from the Committee on Health and Human Services on the next legislative day.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 69.

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

Motion carried.

Assembly Bill No. 74.

Senator Kieckhefer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 90.

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

Motion carried.

Assembly Bill No. 148.

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

Motion carried.

Assembly Bill No. 175.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 29.

Bill read second time.

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

Amendment No. 278.

SUMMARY—Grants power to a board of county commissioners to perform certain acts which are not prohibited or limited by statute. (BDR 20-465)

AN ACT relating to county government; authorizing a board of county commissioners to exercise the powers necessary ~~to ensure the health and safety of the public;~~ for the effective operation of county government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 1868, Judge John F. Dillon of the Iowa Supreme Court established a common-law rule of statutory interpretation known as Dillon's Rule, which limits the powers of local governments. (*Merriam v. Moody's Ex'rs*, 25 Iowa 163 (Iowa 1868)) Under Dillon's Rule, a local government is authorized to exercise only those powers which are: (1) expressly granted; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared purposes of the local government.

Under existing law, county commissioners are authorized to exercise only those powers which are expressly granted and powers that are necessarily implied to carry out express powers. (*Sadler v. Board of County Comm'rs*, 15 Nev. 39, 42 (1880)) This bill authorizes a board of county commissioners, with limited exceptions, to exercise all powers ~~needed to ensure the health and safety of the public;~~ necessary for the effective operation of county government, even if such a power is neither express nor implied, so long as the power is not expressly prohibited or limited by constitutional or statutory provisions granted to another entity.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *It is expressly declared as the intent of the Legislature to grant a board of county commissioners the powers necessary ~~to ensure the health and safety of the public;~~ for the effective operation of county government.*

Sec. 3. 1. *The rule of law that any doubt as to the existence of a power of a board of county commissioners must be resolved against its existence is*

abrogated ~~as it pertains to action to ensure the health and safety of the public.~~

2. Any doubt as to the existence of the power of a board of county commissioners ~~to take action to ensure the health and safety of the public~~ must be resolved in favor of its existence. This rule applies even though a statute granting the power has been repealed.

Sec. 4. 1. The rule of law that a board of county commissioners can exercise only powers:

- (a) Expressly granted by statute;
- (b) Necessarily or fairly implied in or incident to powers expressly granted; and
- (c) Indispensable to the declared purposes of a board of county commissioners,

~~is abrogated as it pertains to action to ensure the health and safety of the public.~~

2. A board of county commissioners has:

- (a) All powers granted it by statute; and
- (b) All other powers necessary or desirable in the conduct of county affairs ~~to ensure the health and safety of the public,~~ or though not granted by statute.

Sec. 5. A board of county commissioners may exercise any power ~~to take action to ensure the health and safety of the public~~ to the extent that the power is not expressly:

- 1. Denied by the Constitution of the State of Nevada;
- 2. Denied by the Constitution of the United States;
- 3. Denied by the laws of the State of Nevada; or
- 4. Granted to another entity.

Sec. 6. 1. If there is a constitutional or statutory provision requiring a specific manner for exercising a power, ~~to take action to ensure the health and safety of the public,~~ a board of county commissioners that wishes to exercise the power shall do so in that manner.

2. If there is no constitutional or statutory provision requiring a specific manner for exercising a power, ~~to take action to ensure the health and safety of the public,~~ a board of county commissioners that wishes to exercise the power shall adopt an ordinance prescribing a specific manner for exercising the power.

Sec. 7. 1. Except as expressly granted, authorized by statute, a board of county commissioners shall not:

~~1.~~ (a) Condition or limit its civil liability unless such condition or limitation is part of a legally executed contract or agreement between the county and another ~~political subdivision~~ governmental entity or a private person or business.

~~2.~~ (b) Prescribe the law governing civil actions between private persons.

~~3.~~ (c) Impose duties on another ~~political subdivision~~ governmental entity unless the performance of the duties is part of a legally executed agreement between the county and another ~~political subdivision~~.

~~4.~~ governmental entity.

(d) Impose a tax.

~~5.~~ Impose a service charge or user fee greater than the actual cost of providing the services.

~~6.~~ Regulate conduct that is regulated by a state agency.

~~7.~~ (e) Order or conduct an election.

2. Except as expressly authorized by statute or necessarily or fairly implied in or incident to powers expressly granted by statute, a board of county commissioners shall not:

(a) Impose a service charge or user fee; or

(b) Regulate business activities that are subject to substantial regulation by a federal or state agency.

Sec. 8. This act becomes effective on July 1, 2015.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

This amendment provides a functional home rule to the counties for the effective operation of county government and replaces the term "political subdivision" with "governmental entity."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 134.

SUMMARY—Revises provisions relating to certain postconviction petitions for writs of habeas corpus. (BDR 3-156)

AN ACT relating to criminal procedure; requiring an incarcerated person to exhaust all available administrative remedies before filing a postconviction petition for a writ of habeas corpus challenging the computation of time the person has served pursuant to a judgment of conviction; requiring a court to dismiss such a petition upon determining that the petitioner has not exhausted all available administrative remedies; requiring the Department of Corrections to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served under certain circumstances; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law authorizes a person convicted of a crime and under sentence of death or imprisonment who claims that the time the person has served pursuant to the judgment of conviction has been improperly computed to file a postconviction petition for a writ of habeas corpus to challenge the computation of time that the person has served. (NRS 34.724) Section 1 of this bill requires a person to exhaust all administrative remedies available for

resolving a challenge to the computation of time that he or she has served as set forth in regulations adopted by the Department of Corrections before the person may file such a petition. Section 2 of this bill requires a court to dismiss such a petition if the court determines that the petitioner has not exhausted all available administrative remedies. Section 2.5 of this bill requires the Department to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department. Section 3 of this bill provides that the amendatory provisions of this bill do not apply to a postconviction petition for a writ of habeas corpus which challenges the computation of time that a petitioner has served that is filed on or before the effective date of this bill.

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

Section 1. NRS 34.724 is hereby amended to read as follows:

34.724 1. ~~Any~~ *Except as otherwise provided in subsection 3, any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who claims that the time the person has served pursuant to the judgment of conviction has been improperly computed, may, without paying a filing fee, file a postconviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence or to challenge the computation of time that the person has served.*

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence, and must be used exclusively in place of them.

~~{(c) Is the only remedy available to an incarcerated person to challenge}~~

3. *Before a person may file a petition pursuant to this section that challenges the computation of time that the person has served pursuant to a judgment of conviction ~~{-}~~, the person must exhaust all administrative remedies available for resolving a challenge to the computation of time that the person has served as set forth in regulations adopted by the Department of Corrections.*

Sec. 2. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's conviction and sentence,

↳ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

↳ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same conviction or sentence.

4. *The court shall dismiss a petition that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction if the court determines that the petitioner has not exhausted all administrative remedies available for resolving a challenge to the computation of time which the petitioner has served as required pursuant to subsection 3 of NRS 34.724.*

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 2.5. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall adopt regulations to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department.

Sec. 2.7. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, and section 2.5 of this act, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 3. The amendatory provisions of this act do not apply to a postconviction petition for a writ of habeas corpus that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction that is filed on or before the effective date of this act.

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

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 134 adds a new section 2.5 to Senate Bill No. 53, which requires the Department of Corrections to develop an expedited process for resolving a challenge brought by an offender regarding the computation of the time he or she has served if the challenge is brought within 180 days from the offender's projected discharge date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 39.

SUMMARY—Revises provisions governing the Western Interstate Commission for Higher Education. (BDR 34-320)

AN ACT relating to higher education; updating the Western Regional Higher Education Compact; authorizing the Nevada State Commissioners to adopt regulations to carry out the provisions of the Compact and to delegate certain functions; amending the requirements for allocation and forgiveness of stipends provided by the Nevada Office of the Western Interstate Commission for Higher Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the participation of the State of Nevada in the Western Interstate Commission for Higher Education. (Chapter 397 of NRS) Under the terms of the Western Regional Higher Education Compact, Nevada residents may participate in programs that provide financial support to assist them in attending colleges and universities located within the 16 states and territories that are signatories to the Compact.

Sections 1 and 2 of this bill update the Compact to include states and territories that have been added to the Compact after 1969. Section 3 of this

bill authorizes the three Nevada State Commissioners to: (1) adopt regulations to carry out the provisions of chapter 397 of NRS ~~at~~ (provisions relating to the Western Regional Higher Education Compact); and (2) delegate authority to carry out the provisions of chapter 397 of NRS ~~at~~ at a meeting held in accordance with the open meeting law. Section 5 of this bill authorizes the Commissioners to choose and certify applicants for certain programs administered by the Nevada and regional offices of the Commission.

Existing law authorizes the three Nevada State Commissioners to require a person to practice in a medically underserved area to qualify to receive support fees, and allow such a person to qualify for loan forgiveness under certain circumstances. (NRS 397.0617) Section 7 of this bill allows participants seeking education and training in certain medical professions to qualify for loan forgiveness if their practice after graduation serves certain medically underserved "populations" as well as medically underserved "areas" , or health professional shortage areas, within the State. Section 7 also modifies and caps the permissible amount of loan forgiveness. Sections 4 and 6-18 of this bill make conforming changes within chapter 397 of NRS.

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

Section 1. Chapter 397 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of the Northern Mariana Islands.

Sec. 2. NRS 397.020 is hereby amended to read as follows:

397.020 The form and contents of such Compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter:

Western Regional ~~Higher~~ Education Compact

The contracting states do hereby agree as follows:

ARTICLE 1

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, It is believed that the Western States, or groups of such states within the region, cooperatively can provide acceptable and efficient

educational facilities to meet the needs of the region and of the students thereof;

Now, therefore, the States of Alaska, Arizona, California, Colorado, *Hawaii*, Idaho, Montana, Nevada, New Mexico, *North Dakota*, Oregon, *South Dakota*, Utah, Washington [] and Wyoming, and [Hawaii] *the Commonwealth of the Northern Mariana Islands* do hereby covenant and agree as follows:

ARTICLE 2

Each of the compacting states pledges to each of the other compacting states faithful cooperation in carrying out all the purposes of this compact.

ARTICLE 3

The compacting states hereby create the Western Interstate Commission for Higher Education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states.

ARTICLE 4

The commission shall consist of three resident members from each compacting state. At all times one commissioner from each compacting state shall be an educator engaged in the field of higher education in the state from which the commissioner is appointed.

The commissioners from each state shall be appointed by the governor thereof as provided by law in such state. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his or her successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

ARTICLE 5

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states.

One or more commissioners from a majority of the compacting states shall constitute a quorum for the transaction of business.

Each compacting state represented at any meeting of the commission is entitled to one vote.

ARTICLE 6

The commission shall elect from its number a chair and a vice chair, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this compact; and

shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

ARTICLE 7

The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chair may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states shall call additional meetings.

The commission shall submit a budget to the governor of each compacting state at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or the designated representative of the governor. The commission shall not be subject to the audit and accounting procedure of any of the compacting states. The commission shall provide for an independent annual audit.

ARTICLE 8

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements:

(a) With the governing authority of any educational institution in the region, or with any compacting state, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states, uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states.

ARTICLE 9

The operating costs of the commission shall be apportioned equally among the compacting states.

ARTICLE 10

This compact shall become operative and binding immediately as to those states adopting it whenever five or more of the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territory adopting thereafter at the time of such adoption.

ARTICLE 11

This compact may be terminated at any time by consent of a majority of the compacting states. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state may be reinstated by application to and the approval by a majority vote of the commission.

ARTICLE 12

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or

agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of three-fourths of the other member states.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission.

Sec. 3. NRS 397.030 is hereby amended to read as follows:

397.030 1. In furtherance of the provisions contained in the Compact, there must be three Commissioners from the State of Nevada, appointed by the Governor.

2. The qualifications and terms of the three Nevada State Commissioners must be in accordance with Article 4 of the Compact. A Nevada State Commissioner shall hold office until his or her successor is appointed and qualified, but the successor's term expires 4 years after the legal date of expiration of the term of his or her predecessor.

3. Any Nevada State Commissioner may be removed from office by the Governor upon charges and after a hearing.

4. The term of any Nevada State Commissioner who ceases to hold the required qualifications terminates when a successor is appointed.

5. *The three Nevada State Commissioners, acting jointly, may:*

(a) *Adopt regulations as necessary to carry out the provisions of this chapter; and*

(b) ~~Delegate~~ *At a meeting held in accordance with the provisions of chapter 241 of NRS, delegate to an officer or employee of the Nevada Office of the Western Interstate Commission for Higher Education the authority to undertake any actions authorized or required by the provisions of this chapter, except that any agreement that will be binding on the Commission must be approved by the Commission.*

Sec. 4. NRS 397.0557 is hereby amended to read as follows:

397.0557 The Western Interstate Commission for Higher Education may apply for and accept grants. Upon receipt of sufficient grants, the Commission, *or the three Nevada State Commissioners, acting jointly,* may enter into binding agreements to purchase additional contract places for Nevada residents in graduate or professional schools within the region. The provisions of NRS 397.060 apply to the selection and certification of ~~students~~ *applicants* to fill any contract place purchased pursuant to this section. The provisions of NRS 397.0615, 397.0645 and 397.0653 do not apply to financial support provided to a ~~student~~ *participant* pursuant to this section. The terms and conditions of repayment, if any, must be set forth fully in a contract between the ~~student~~ *participant* and the grantor.

Sec. 5. NRS 397.060 is hereby amended to read as follows:

397.060 The three Nevada State Commissioners, acting jointly:

1. Shall:

(a) Choose from among Nevada residents who apply ~~for~~ *for a program administered by the Nevada Office of the Western Interstate Commission for Higher Education*, and have at least 1 year's residence in this state immediately before applying for the program, those most qualified for contract places; and

(b) Certify them to receiving institutions ~~for~~ *or locations at which an applicant will practice his or her profession.*

2. *Shall choose from among the applicants, for a program administered by the Nevada Office of the Western Interstate Commission for Higher Education, who apply for a support fee of 100 percent stipend for practice in certain professions and locations, and who lack at least 1 year of residence in this State immediately before applying for the program, those most qualified for contract places.*

3. *Shall review and certify the list of Nevada applicants for programs administered by the Regional Office of the Western Interstate Commission for Higher Education, ~~for which list is prepared by the Regional Office.~~*

4. May enter into any reciprocity agreement, including, without limitation, the State Authorization Reciprocity Agreement, for the purpose of authorizing a postsecondary educational institution that is located in another state or territory of the United States to provide distance education to residents of this State if the requirements contained in the agreement for authorizing a postsecondary educational institution that is located in another state or territory of the United States to provide distance education to residents of this State are substantially similar to the requirements for licensure of a postsecondary educational institution by the Commission on Postsecondary Education pursuant to NRS 394.383 to 394.560, inclusive. As used in this subsection, "postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 6. NRS 397.0615 is hereby amended to read as follows:

397.0615 Financial support provided to ~~for a student~~ *an applicant* who is chosen by the three Nevada State Commissioners to receive such support from the Western Interstate Commission for Higher Education must be provided in the form of a support fee. Except as otherwise provided in NRS 397.0617, 25 percent of the support fee is a loan that the ~~student~~ *recipient* must repay with interest pursuant to NRS 397.063 or 397.064, as appropriate. Seventy-five percent of the support fee is a stipend that the ~~student~~ *recipient* is not required to repay, except as otherwise provided in NRS 397.0653.

Sec. 7. NRS 397.0617 is hereby amended to read as follows:

397.0617 1. The provisions of this section apply only to support fees received by a ~~student~~ *participant* on or after July 1, 1997.

2. The three Nevada State Commissioners, acting jointly, may require a ~~student~~ *participant* who is certified ~~to study~~ to practice in a profession which could benefit a health professional shortage area, a medically

underserved area *or a medically underserved population* of this State, as ~~that term is~~ those terms are defined by the ~~Officer of Rural Health~~ *Office of Statewide Initiatives* of the University of Nevada School of Medicine, to practice in such an area *or with such a population*, or to practice in an area designated by the Secretary of Health and Human Services:

(a) Pursuant to 42 U.S.C. § 254c, as containing a medically underserved population; or

(b) Pursuant to 42 U.S.C. § 254e, as a health professional shortage area,
 ↪ as a condition to receiving a support fee.

3. ~~If a person~~ *The three Nevada State Commissioners, acting jointly, may forgive the portion of the support fee designated as the stipend of a participant if that participant agrees to practice in a health professional shortage area, a medically underserved area or an area with a medically underserved population of this State pursuant to subsection 2 for ~~at least 2 years, the three Nevada State Commissioners, acting jointly, may forgive the portion of the support fee designated as the loan of the person.~~ a period of time equal to the lesser of:*

(a) *One year for each year the participant receives a support fee; or*

(b) *One year for each 9 months the participant receives a support fee and is enrolled in an accelerated program that provides more than 1 academic year of graduate and professional education in 9 months,*
 ↪ *but in no case for a period of time more than 2 years.*

4. *For a participant to qualify for forgiveness pursuant to subsection 3, the participant must complete the relevant practice within 5 years after the completion or termination of the participant's education, internship or residency for which the participant received the support fee.*

5. *If a ~~person~~ participant returns to or remains in this State but does not practice in a health professional shortage area, a medically underserved area or an area with a medically underserved population of this State pursuant to ~~subsection 2 for at least 2 years,~~ subsections 2, 3 and 4, the three Nevada State Commissioners, acting jointly, shall ~~assess~~ :*

(a) *Assess a default charge in an amount not less than three times ~~the portion of~~ the support ~~fee designated as the loan of the person,~~ fees, plus interest ~~;~~ ; and*

(b) *Convert the portion of the support fee designated as the stipend into a loan to be repaid in accordance with NRS 397.064 from the first day of the term for which the participant received the support fee.*

~~5.~~ 6. *As used in this section, a "profession which could benefit a health professional shortage area, a medically underserved area or an area with a medically underserved population of this State" includes, without limitation, dentistry, physical therapy, pharmacy and practicing as a physician assistant licensed pursuant to chapter 630 or 633 of NRS.*

Sec. 8. NRS 397.062 is hereby amended to read as follows:

397.062 1. There is hereby created an account in the State General Fund entitled the Western Interstate Commission for Higher Education's

Account for ~~[Miscellaneous]~~ *Administrative Expenses*. Any money received by the three Nevada State Commissioners as the proceeds of any penalty or appropriated or authorized *from the State General Fund* for the purposes of ~~[this section]~~ *carrying out the provisions of this chapter* must be deposited in this Account.

2. The three Nevada State Commissioners, acting jointly, shall administer the Account and the money in the Account must be used to:

(a) Pay miscellaneous expenses incurred in administering the Western Interstate Commission for Higher Education's *Loan and Stipend Fund* ; ~~for Student Loans;~~ and

(b) Pay expenses incurred in collecting money due the State from a ~~[student]~~ loan or a stipend granted from the Western Interstate Commission for Higher Education's *Loan and Stipend Fund* . ~~for Student Loans.~~

3. *The money in the Account may be used by the three Nevada State Commissioners, acting jointly, to:*

(a) *Pay dues to the Western Interstate Commission for Higher Education;* and

(b) *Pay administrative expenses of the Nevada Office of the Western Interstate Commission for Higher Education.*

Sec. 9. NRS 397.063 is hereby amended to read as follows:

397.063 1. All contributions from ~~[students]~~ *participants* must be accounted for in the Western Interstate Commission for Higher Education's *Loan and Stipend Fund* ~~for Student Loans~~ which is hereby created as an enterprise fund.

2. The three Nevada State Commissioners, acting jointly, shall administer the Fund, and the money in the Fund must be used solely to provide:

(a) Loans to; and

(b) Contractual arrangements for educational services and facilities for,
 ↪ residents of Nevada who are certified to attend graduate or professional schools in accordance with the provisions of ~~[the Western Regional Higher Education Compact.]~~ *this chapter*.

3. Loans from the Western Interstate Commission for Higher Education's *Loan and Stipend Fund* ~~for Student Loans,~~ before July 1, 1985, and loans made to students classified as continuing students before July 1, 1985, must be made upon the following terms:

(a) All ~~[student]~~ loans must bear interest at 5 percent per annum from the date when the ~~[student]~~ *participant* receives the loan.

(b) Each ~~[student]~~ *participant* receiving a loan must repay the loan with interest following the termination of the ~~[student's]~~ *participant's* education or completion of the ~~[student's]~~ *participant's* internship in accordance with the following schedule:

(1) Within 5 years for loans which total less than \$10,000.

(2) Within 8 years for loans which total \$10,000 or more but less than \$20,000.

(3) Within 10 years for loans which total \$20,000 or more.

(c) No ~~student~~ *participant's* loan may exceed 50 percent of the student fees for any academic year.

Sec. 10. NRS 397.064 is hereby amended to read as follows:

397.064 Loans ~~to~~ from the Western Interstate Commission for Higher Education's *Loan and Stipend* Fund ~~for Student Loans,~~ to ~~students~~ *participants* who enter the program on or after July 1, 1985, must be made upon the following terms:

1. All loans must bear a competitive interest rate, which must be established by the three Nevada State Commissioners, acting jointly, from the first day of the ~~academic~~ term for which the ~~student~~ *participant* received the loan. The three Nevada State Commissioners, acting jointly, may delegate to the Director of the *Nevada Office of the* Western Interstate Commission for Higher Education the authority to establish the interest rate pursuant to this section.

2. Except as otherwise provided in NRS 397.0617, each ~~student~~ *participant* receiving a loan must repay the loan with interest following the termination of the ~~student's~~ *participant's* education or completion of the ~~student's~~ *participant's* internship for which the loan is made.

3. The loan must be repaid in monthly installments over the period allowed, as set forth in subsection 4, with the first installment due 1 year after the date of the termination of the ~~student's~~ *participant's* education or the completion of the ~~student's~~ *participant's* internship for which the loan is made. The amounts of the installments may not be less than \$50 and may be calculated to allow a smaller payment at the beginning of the repayment period, with each succeeding payment gradually increasing so that the total amount due will have been paid within the period allowed for repayment.

4. The three Nevada State Commissioners, acting jointly, shall, or shall delegate to the Director of the *Nevada Office of the* Western Interstate Commission for Higher Education the power to, schedule the repayment within the following periods:

(a) Five years for loans which total less than \$10,000.

(b) Eight years for loans which total \$10,000 or more but less than \$20,000.

(c) Ten years for loans which total \$20,000 or more.

5. A ~~student~~ *participant's* loan may not exceed 50 percent of the student fees for any academic year.

6. A delinquency charge may be assessed on any installment delinquent 10 days or more in an amount that must be established by the three Nevada State Commissioners, acting jointly. The Nevada State Commissioners, acting jointly, may delegate to the Director of the *Nevada Office of the* Western Interstate Commission for Higher Education the authority to establish an appropriate delinquency charge pursuant to this subsection.

7. The reasonable costs of collection and ~~an~~ attorney's ~~fee~~ *fees* may be recovered in the event of delinquency.

Sec. 11. NRS 397.0645 is hereby amended to read as follows:

397.0645 1. A ~~{student}~~ *participant* who receives from the Western Interstate Commission for Higher Education a stipend governed by the provisions of NRS 397.065 or 397.0653 must repay all state contributions for the stipend unless the ~~{student}~~ *participant* practices, in Nevada, the profession *in which* ~~{he or she}~~ *the participant* was certified : ~~{to study.}~~

(a) For 3 years, if the ~~{student}~~ *participant* entered the program before July 1, 1985;

(b) For 1 year for each ~~{academic}~~ year the ~~{student}~~ *participant* receives a stipend, if ~~{he or she}~~ *the participant* enters the program after June 30, 1985; or

(c) For 1 year for each 9 months the ~~{student}~~ *participant* receives a stipend, if ~~{he or she}~~ *the participant* enters the program after June 30, 1985, and is enrolled in an accelerated program that provides more than 1 academic year of graduate and professional education in 9 months,

↪ within 5 years after the completion or termination of the ~~{student's}~~ *participant's* education, internship or residency for which ~~{he or she}~~ *the participant* receives the stipend.

2. The three Nevada State Commissioners, acting jointly, may adopt regulations which:

(a) Reduce the period of required practice for a ~~{person}~~ *participant* who practices his or her profession in a rural ~~{or}~~ area, a health professional shortage area, a medically underserved area or an area with a medically underserved population of this state as described in NRS 397.0617, or as an employee of this state ~~{}~~ *in accordance with NRS 397.0685.*

(b) Extend the time for completing the required practice beyond 5 years for a ~~{person}~~ *participant* who is granted an extension because of hardship.

3. If the period for the required practice is only partially completed, the ~~{Commission}~~ *three Nevada State Commissioners, acting jointly,* may give credit towards repayment of the stipend for the time the ~~{person}~~ *participant* practiced his or her profession as required.

Sec. 12. NRS 397.065 is hereby amended to read as follows:

397.065 1. The provisions of this section apply only to stipends received by a ~~{student}~~ *participant* before July 1, 1995.

2. Each ~~{student}~~ *participant* entering the Western Regional ~~{Higher}~~ Education Compact program after April 23, 1977, must repay all state contributions for stipends which the ~~{student}~~ *participant* receives from the Western Interstate Commission for Higher Education unless the ~~{student}~~ *participant* practices, in Nevada, for the period determined pursuant to NRS 397.0645, the profession *in which* ~~{he or she}~~ *the participant* was certified. ~~{to study.}~~

3. Stipends granted before July 1, 1985, and stipends granted to ~~{students}~~ *participants* classified as continuing students before July 1, 1985, must be repaid within the same period established for the repayment of loans in NRS 397.063. Stipends granted before July 1, 1985, and stipends granted

to ~~students~~ *participants* classified as continuing students before July 1, 1985, do not bear interest.

4. Stipends granted to ~~students~~ *participants* entering the program on or after July 1, 1985, must be repaid in the same manner, within the same period and at the same rate of interest established for the repayment of loans in NRS 397.064.

Sec. 13. NRS 397.0653 is hereby amended to read as follows:

397.0653 1. The provisions of this section apply only to stipends received by a ~~student~~ *participant* on or after July 1, 1995.

2. Each ~~student~~ *participant* must repay all stipends which the ~~student~~ *participant* receives from the Western Interstate Commission for Higher Education unless the ~~student~~ *participant*:

(a) Practices, in Nevada, for the period determined pursuant to NRS 397.0645, the profession *in* which he or she was certified. ~~to study.~~

(b) Reports ~~his or her~~ *the participant's* practice status annually on forms provided by the Commission.

(c) Except as otherwise approved by the Commission, commences ~~his or her~~ *the participant's* practice obligation within 1 year after completion or termination of the education, internship or residency for which the ~~student~~ *participant* received the stipend.

(d) Maintains ~~his or her~~ *the participant's* permanent residence in the State of Nevada throughout the period of ~~his or her~~ *the participant's* practice obligation. For the purposes of this section, a ~~person~~ *participant* who leaves the State for a limited period of time without forming the intent of changing ~~his or her~~ *the participant's* permanent residence is not considered to have moved ~~his or her~~ *the participant's* residence.

(e) Graduates with a degree in the area of study for which the ~~student~~ *participant* received the stipend.

(f) Completes ~~his or her~~ *the participant's* practice obligation within the period specified in NRS 397.0645.

3. A stipend that must be repaid in accordance with this section must be repaid under the following terms:

(a) All stipends must bear interest at 8 percent per annum from the first day of the academic term for which the ~~student~~ *participant* received the support fee.

(b) The balance due must be repaid in monthly installments within the following periods:

(1) Five years for stipends which total, including interest, less than \$10,000.

(2) Eight years for stipends which total, including interest, \$10,000 or more but less than \$20,000.

(3) Ten years for stipends which total, including interest, \$20,000 or more.

Sec. 14. NRS 397.066 is hereby amended to read as follows:

397.066 The three Nevada State Commissioners, acting jointly, may require:

1. A ~~student~~ recipient to acquire, as security for a stipend or ~~student~~ loan, insurance on the ~~student's~~ recipient's life and on the ~~student's~~ recipient's health or against ~~his or her~~ the recipient's disability, or both.

2. That a financially responsible person agree to be jointly liable with the recipient for the repayment of the ~~loan or~~ stipend ~~or~~ loan.

Sec. 15. NRS 397.067 is hereby amended to read as follows:

397.067 The three Nevada State Commissioners, acting jointly, may, or may delegate to the Director of the *Nevada Office of the Western Interstate Commission for Higher Education* the power to, require, upon notice to a recipient of a loan, that the recipient repay the balance and any unpaid interest on the loan at once if:

1. An installment is not paid within 30 days after it is due;
 2. The recipient fails to notify the three Nevada State Commissioners, within 30 days, of:

(a) A change of name or of the address of the recipient's home or place of practice; or

(b) The termination of the recipient's education *or practice* or completion of ~~his or her~~ the recipient's internship for which ~~he or she~~ the recipient receives the loan; or

3. The recipient fails to comply with any other requirement or perform any other obligation the recipient is required to perform pursuant to any agreement under the program.

Sec. 16. NRS 397.068 is hereby amended to read as follows:

397.068 A recipient of a loan or a stipend under the program of the Western Interstate Compact for Higher Education shall comply with the regulations adopted by the Commission or the three Nevada State Commissioners. If the recipient fails so to comply, the three Nevada State Commissioners, acting jointly, may:

1. For each infraction, impose a fine of not more than \$200 against any recipient in any academic ~~year,~~ *or practicing year*, and may deny additional money to any ~~student~~ participant who fails to pay the fine when due;

2. Increase the portion of any future loan to be repaid by the recipient;

3. Extend the time a recipient is required to practice ~~his or her~~ the recipient's profession to repay ~~his or her~~ the recipient's stipend; and

4. Expel the recipient from the program.

Sec. 17. NRS 397.0685 is hereby amended to read as follows:

397.0685 1. The three Nevada State Commissioners, acting jointly, may, after receiving a written application stating the reasons therefor, reduce the period of required practice for the repayment of a stipend under NRS 397.0645 if the applicant:

(a) Has had at least 1 continuous year of practice of ~~his or her~~ the applicant's profession in this state, and practices ~~his or her~~ the applicant's profession in a rural ~~or~~ area, a health professional shortage area, a

medically underserved area or an area with a medically underserved population of this state. The applicant's practice in the ~~rural~~ area must be equal to at least half of the total time spent by the applicant in ~~his or her~~ the applicant's professional practice, and not less than 20 hours per week.

(b) Practices ~~his or her~~ the applicant's profession as a full-time employee of the State of Nevada and has been employed by the State for at least 1 continuous year immediately before ~~his or her~~ the applicant's application.

2. Any claim as to practice must be verified.

Sec. 18. NRS 397.0695 is hereby amended to read as follows:

397.0695 A ~~person~~ participant obligated to repay a ~~student~~ loan may, as determined by the three Nevada State Commissioners, acting jointly, receive credit towards payment of the loan for professional services provided without compensation to the State or any of its political subdivisions.

Sec. 19. NRS 353.357 is hereby amended to read as follows:

353.357 1. If the three Nevada State Commissioners on the Western Interstate Commission for Higher Education, acting jointly, determine that current claims against the Western Interstate Commission for Higher Education's *Loan and Stipend Fund* ~~for Student Loans~~ created pursuant to NRS 397.063 exceed the amount of money available in the Fund to pay the claims because of a delay in the receipt of revenue due the Fund, the three Nevada State Commissioners may request from the Director of the Department of Administration a temporary advance from the State General Fund to the Western Interstate Commission for Higher Education's *Loan and Stipend Fund* ~~for Student Loans~~ for the payment of authorized expenses.

2. If the Director of the Department of Administration approves a request made pursuant to subsection 1, the Director shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of that approval. The State Controller shall draw his or her warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund is limited to 50 percent of the revenue expected to be received by the Western Interstate Commission for Higher Education's *Loan and Stipend Fund* ~~for Student Loans~~ in the current fiscal year from any source other than legislative appropriation.

4. Any money that is temporarily advanced from the State General Fund pursuant to subsection 2 must be repaid by August 31 following the end of the fiscal year in which the temporary advance is made.

Sec. 20. The amendatory provisions of sections 8, 9, 10 and 19 of this act amend, respectively, NRS 397.062, 397.063, 397.064 and 353.357 and, in part, change the name of the Western Interstate Commission for Higher Education's Fund for Student Loans to the Western Interstate Commission for Higher Education's *Loan and Stipend Fund*. Such change to the name of the Fund does not alter any duty or obligation under those sections, or with regard to the Fund, that is in existence on or before July 1, 2015.

Sec. 21. This act becomes effective on July 1, 2015.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment corrects the name of the Western Regional Education Compact; removes language that was erroneously added to section 5; adds the term "Health Professional Shortage Area;" requires that the Commission's delegation of authority occur during an open meeting; and requires that all binding agreements be directly approved by the Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 86.

Bill read second time.

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

Amendment No. 251.

SUMMARY—Revises provisions governing pipeline and subsurface safety. (BDR 58-347)

AN ACT relating to public utilities; increasing the maximum amount of the civil penalty that may be imposed for violating certain regulations adopted by the Public Utilities Commission of Nevada; defining the term "high consequence subsurface installation"; revising the definition of the term "subsurface installation"; increasing the maximum amount of the civil penalty that may be imposed for certain violations relating to excavation or demolition near a subsurface installation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who violates regulations adopted by the Public Utilities Commission of Nevada in conformity with the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. § 60101 et. seq., is subject to a civil penalty not to exceed \$100,000 for each violation for each day that the violation persists, up to a maximum of \$1,000,000 for any related series of violations. (NRS 704.595) Section 1 of this bill increases these amounts so that a person may be subject to a civil penalty not to exceed \$200,000 for each violation for each day that the violation persists, with a maximum civil penalty not to exceed \$2,000,000.

Existing law provides for civil penalties that may be imposed by the Commission if a person: (1) willfully or repeatedly; or (2) negligently violates the provisions governing excavation or demolition near subsurface installations. (NRS 455.170) Section 5 of this bill increases the maximum civil penalty for a single willful or repeated violation from not more than \$1,000 per day to not more than \$2,500 per day, and increases the maximum civil penalty for any related series of willful or repeated violations within a calendar year from not more than \$100,000 to not more than \$250,000. Section 5 also ~~removes the distinction between negligent and willful or repeated violations and instead imposes the same maximum civil penalty for any violation.~~ increases the maximum civil penalty for a single negligent violation from not more than \$200 per day to not more than \$1,000 per day.

and increases the maximum civil penalty for any related series of negligent violations from not more than \$1,000 to not more than \$50,000. Section 5 further provides additional factors for the Commission to consider when determining the amount of the penalty or the amount agreed upon in a settlement or compromise, to include: ~~the~~ (1) the willfulness or negligence of the person charged with the violation; (2) the timeliness of the notification of the violation to the Commission by the person charged with the violation; ~~and~~ (3) the cooperation of that person in the investigation and repair of any damage caused by the violation; ~~and~~ (4) whether the violation resulted in an interruption of services. Section 5 also authorizes the Commission to triple the maximum civil penalty that may be imposed for each violation that involves contact with, or occurs less than 24 horizontal inches from a high consequence subsurface installation. Section 2 of this bill defines the term "high consequence subsurface installation."

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

Section 1. NRS 704.595 is hereby amended to read as follows:

704.595 1. Any person who violates any provision of any regulation adopted by the Commission in conformity with the Natural Gas Pipeline Safety Act of 1968, as amended, 49 U.S.C. §§ 60101 et seq., or with a federal regulation adopted pursuant thereto, ~~shall be~~ is subject to a civil penalty not to exceed ~~[\$100,000]~~ \$200,000 for each violation for each day that the violation persists, but the maximum civil penalty must not exceed ~~[\$1,000,000]~~ \$2,000,000 for any related series of violations. Unless compromised, the amount of any such civil penalty must be determined by a court of competent jurisdiction.

2. Any civil penalty may be compromised by the Commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, must be considered.

3. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sum owing by the State to the person charged or may be recovered in a civil action in any court of competent jurisdiction.

Sec. 2. Chapter 455 of NRS is hereby amended by adding thereto a new section to read as follows:

"High consequence subsurface installation" means the following types of subsurface installations:

1. *A high-pressure natural gas pipeline with a normal operating pressure greater than 100 pounds per square inch gauge;*
2. *A petroleum pipeline;*
3. *A pressurized sewage pipeline or force main;*

4. *A high-voltage electric supply line, conductor or cable that has a phase-to-phase potential of 115 kilovolts or more;*

5. *A high-capacity water pipeline that is 18 inches or more in diameter;*

6. ~~*A high capacity fiber optic telecommunications line;*~~ *An optical carrier level communications line and any related facility;*

7. *A hazardous materials pipeline; or*

8. *Any other subsurface installation that if damaged will interrupt ~~an essential public service~~ services provided by any facility or agency that provides health or safety services to the public, including, without limitation, hospitals, law enforcement agencies, armed forces, firefighting agencies, detention centers, air traffic control, emergency operation centers, telecommunication towers and water or sewer treatment plants.*

Sec. 3. NRS 455.080 is hereby amended to read as follows:

455.080 As used in NRS 455.080 to 455.180, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 455.082 to 455.105, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 4. NRS 455.101 is hereby amended to read as follows:

455.101 "Subsurface installation" means a pipeline, *force main, supply line, conductor, conduit, cable, duct, wire, ~~telecommunications~~ communications line, sewer line, storm drain, other drain line or other structure that is located underground.*

Sec. 5. NRS 455.170 is hereby amended to read as follows:

455.170 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the Public Utilities Commission of Nevada by the Attorney General, a district attorney, a city attorney, the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition.

2. ~~*Any*~~ *Except as otherwise provided in subsection ~~3~~ 4, in addition to any other penalty provided by law, any person who willfully ~~negligently~~ or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, and section 2 of this act is liable for a civil penalty:*

(a) Not to exceed ~~[\$1,000]~~ \$2,500 per day for each violation; and

(b) Not to exceed ~~[\$100,000]~~ \$250,000 for any related series of violations within a calendar year.

3. ~~*Any*~~ *Except as otherwise provided in subsections 2 and 4, any person who negligently violates any such provision is liable for a civil penalty:*

(a) Not to exceed ~~[\$200]~~ \$1,000 per day for each violation; and

(b) Not to exceed ~~[\$1,000]~~ \$50,000 for any related series of violations within a calendar year.

4. The maximum civil penalty imposed pursuant to this section may be tripled for each violation that involves contact with, or that occurs less than 24 ~~horizontal~~ inches from ~~it~~ a high consequence subsurface installation ~~it~~.

regardless of the depth of the location of the high consequence subsurface installation. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty ~~[must]~~ shall be determined by the Public Utilities Commission of Nevada . ~~[upon receipt of a complaint by the Attorney General, the Regulatory Operations Staff of the Public Utilities Commission of Nevada, a district attorney, a city attorney, the agency that issued the permit to excavate or the operator or the person responsible for the excavation or demolition.]~~

5. ~~4.7~~ In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the Public Utilities Commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.080 to 455.180, inclusive, *and section 2 of this act* before and after ~~[notification of a]~~ the violation; ~~[and]~~

(c) Any history of previous violations of ~~[those]~~ the provisions of NRS 455.080 to 455.180, inclusive, *and section 2 of this act* by the person charged with the violation ~~[~~

~~—6.—A]~~ ;

(d) *The willfulness or negligence of the person charged with the violation in failing to comply with the provisions of NRS 455.080 to 455.180, inclusive, and section 2 of this act;*

(e) *The timeliness of notification of the violation to the Public Utilities Commission of Nevada by the person charged with the violation;* ~~[and]~~

(f) *The cooperation of the person charged with the violation in the investigation and repair of any damage caused by the violation ~~[~~*

~~—5.—]~~ ; *and*

(g) *Whether an interruption of services occurred as a result of the violation.*

6. *Except as otherwise provided in this subsection, a civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter.*

~~[7.]~~ *If the Regulatory Operations Staff of the Public Utilities Commission of Nevada initiates the action, a civil penalty recovered pursuant to this section must be deposited in the State General Fund.*

~~[6.]~~ 7. Any person aggrieved by a determination of the Public Utilities Commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 703.373.

Sec. 6. This act becomes effective on July 1, 2015.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:01 p.m.

SENATE IN SESSION

At 12:08 p.m.

President Hutchison presiding.

Quorum present.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 251 makes four changes to Senate Bill No. 86. The amendment: 1) retains the distinction between negligent and willful or repeated violations and increases the existing penalties in NRS for a person who negligently violates the provisions governing excavation or demolition near subsurface installations; 2) clarifies that enhanced penalties are available for digging within 24 horizontal inches of a high consequence subsurface installation regardless of depth; 3) defines "critical communications infrastructure," "essential public service," and "subsurface installation;" and 4) includes additional consideration of whether an outage occurred in the PUCN's determination of an appropriate civil penalty.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 129

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 68.

SUMMARY—Limits civil liability of certain persons for injuries or death resulting from certain equine activities. (BDR 3-611)

AN ACT relating to civil liability; limiting the civil liability of certain persons for injuries or death resulting from certain inherent risks of equine activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides immunity from civil liability to certain persons for an injury or death resulting from an inherent risk of an equine activity under certain circumstances.

Existing law provides that certain nonprofit entities are not immune from civil liability for injury or death arising out of their activities under certain circumstances. Existing law also provides immunity from personal civil liability to certain persons acting in their official capacity for certain nonprofit entities under certain circumstances. (NRS 41.480) Section 2 of this bill provides immunity from civil liability to those persons and nonprofit entities for causes of action for injury or death resulting from an inherent risk of an equine activity under certain circumstances.

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, a sponsor, an equine professional, a veterinarian or any other person is immune from civil

liability for an injury to or the death of a participant as a result of an inherent risk of an equine activity.

2. A participant shall:

(a) Act in a safe and responsible manner when engaged in an equine activity; and

(b) Before engaging in an equine activity, know and be aware of the inherent risks of that activity.

3. A person is not immune from civil liability pursuant to this section if the person:

(a) Provided to the participant defective tack or other equipment that caused the injury or death of the participant and the person knew or should have known of the defective condition of the tack or equipment.

(b) Provided to the participant the equine upon or around which the injury or death occurred without making reasonable efforts to determine the ability of the participant to:

(1) Engage in the equine activity safely; and

(2) Control the equine based upon a representation made to the person by the participant concerning the ability of the participant to control that equine.

(c) Owns, leases, rents or is otherwise in lawful possession and control of the property or facility where the injury or death occurred if the injury or death was the result of a dangerous latent condition that was known or should have been known to the person.

(d) Committed an act or omission that:

(1) Was in willful or wanton disregard for the safety of the participant; and

(2) Caused the injury or death of the participant.

(e) Intentionally injured or caused the death of the participant.

(f) Failed to act responsibly while conducting an equine activity or maintaining an equine.

4. A person is not immune from civil liability pursuant to this section in an action for product liability.

5. As used in this section:

(a) "Equine" means a horse, pony, mule, hinny or donkey.

(b) "Equine activity" means an activity in which an equine is ridden, driven or otherwise used. The term includes, without limitation:

(1) Shows, fairs, competitions, performances, parades, rodeos, cutting events, polo matches, steeplechases, endurance rides, trail rides or packing or hunting trips.

(2) Lessons, training or other instructional activities.

(3) Boarding an equine.

(4) Riding, inspecting, evaluating or allowing the use of an equine owned by another person, regardless of whether the owner of the equine receives money or other consideration for the use of the equine.

(5) Providing medical treatment for an equine.

(6) *Placing or measuring gear or tack on an equine.*

(7) *Placing or replacing shoes on an equine.*

↪ *The term does not include a race for which a license is required pursuant to the provisions of chapter 466 of NRS.*

(c) *"Equine professional" means a person who, for money or other consideration:*

(1) *Provides to a participant lessons, training or instruction relating to an equine activity; or*

(2) *Rents or leases to a participant an equine or tack or other equipment.*

(d) *"Inherent risk of an equine activity" means a danger or condition that is an essential part of an equine activity, including, without limitation:*

(1) *The propensity of an equine to behave in a manner that may result in injury or death to a person who is on or near the equine;*

(2) *The unpredictable reaction of an equine to sounds, sudden movements or unfamiliar objects, persons or other animals;*

(3) *A hazardous surface or subsurface or other hazardous condition;*

(4) *A collision with another animal or object; and*

(5) *The failure of a participant to maintain control of an equine or to engage safely in an equine activity. ~~;~~ and*

~~(6) *A negligent act by a participant while using an equine.*~~

(e) *"Participant" means a person who engages in an equine activity, regardless of whether a fee is paid to engage in that activity. The term includes, without limitation:*

(1) *A person who assists a participant in an equine activity; and*

(2) *A spectator at an equine activity if the spectator is in an unauthorized area that is in the immediate area of the equine activity.*

(f) *"Product liability" has the meaning ascribed to it in NRS 695E.090.*

(g) *"Sponsor" means a person who organizes or provides money or a facility for an equine activity.*

Sec. 2. NRS 41.480 is hereby amended to read as follows:

41.480 *Except as otherwise provided in section 1 of this act:*

1. A nonprofit corporation, association or organization formed under the laws of this State is not immune from liability for the injury or damage caused any 21 person, firm or corporation as a result of the negligent or wrongful act of the nonprofit corporation, association or organization, or its agents, employees or servants acting within the scope of their agency or employment.

2. No action may be brought against an officer, trustee, director or other possessor of the corporate powers of a nonprofit association or trust formed under the laws of this State based on any act or omission arising from failure in his or her official capacity to exercise due care regarding the management or operation of the entity unless the act or omission involves intentional misconduct, fraud or a knowing violation of the law.

Sec. 3. The amendatory provisions of this act do not apply to a cause of action or claim arising from an injury or death specified in section 1 of this act that accrues before October 1, 2015.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment adds language specifying that a person is not immune from liability if the person "failed to act responsibly while conducting an equine activity or maintaining an equine." Additionally, the amendment deletes language specifying that, "a negligent act by a participant while using an equine" is part of the definition of the "inherent risk of an equine activity."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 151.

Bill read second time.

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

Amendment No. 66.

SUMMARY—Requires the Public Utilities Commission of Nevada to adopt regulations authorizing a natural gas utility to expand its infrastructure in a manner consistent with a program of economic development. (BDR 58-52)

AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility which purchases natural gas for resale to expand its infrastructure in a manner consistent with a program of economic development proposed by the public utility and approved by the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility which purchases natural gas for resale to expand the infrastructure of the public utility in a manner consistent with a program of economic development proposed by the public utility and approved by the Commission.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall adopt regulations authorizing a public utility which purchases natural gas for resale to expand the infrastructure of the public utility in a manner consistent with a program of economic development, including, without limitation:

(a) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of an activity relating to the expansion of the infrastructure of the public utility in a manner consistent with a program of economic development; and

(b) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for the recovery of costs associated with an activity approved by the Commission pursuant to paragraph (a).

2. The regulations adopted pursuant to subsection 1 must ensure the timely recovery by the public utility which purchases natural gas for resale of all prudent and reasonable costs associated with the expansion of the infrastructure of the public utility in a manner consistent with a program of economic development through the development of alternative cost-recovery methodologies that balance the interests of persons receiving direct benefits and persons receiving indirect benefits from the expansion of the infrastructure of the public utility.

3. As used in this section, "program of economic development" means a program to expand the infrastructure of a public utility which purchases natural gas for resale that is proposed by the public utility and approved by the Commission for one or more of the following purposes:

(a) Providing natural gas service to unserved and underserved areas within this State;

(b) Accommodating the expansion of existing business customers of the public utility;

(c) Attracting and retaining residential and business customers of the public utility;

(d) Attracting to this State new and diverse businesses and industries which use natural gas and which would otherwise locate or expand their business or industry within this State but for the absence of adequate natural gas infrastructure;

(e) Facilitating the implementation of the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(f) Facilitating any policy of the Legislature with respect to economic development in this State.

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

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 66 to Senate Bill No. 151 changes the effective date to "upon passage and approval."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 203.

SUMMARY—Revises provisions governing certain dangerous or deadly weapons. (BDR 15-87)

AN ACT relating to weapons; revising provisions governing certain dangerous or deadly weapons; revising provisions concerning certain concealed weapons; ~~preserving for the Legislature the rights and powers to regulate certain knives;~~ repealing certain provisions governing the manufacture and sale of switchblade knives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, it is a crime for a person to manufacture, import, sell, give, lend or possess certain dangerous or deadly weapons. (NRS 202.350) Section 2 of this bill removes knives which are made an integral part of a belt buckle and switchblade knives from the list of such weapons. Sections 1, 6 and 7 of this bill revise definitions of "switchblade knife" set forth in other provisions of existing law to accommodate the change made by section 2. Section 9 of this bill repeals a provision of existing law that authorizes a sheriff to issue a permit to allow the manufacture or sale of switchblade knives under certain circumstances.

Existing law also prohibits a person from carrying or possessing certain weapons on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or child care facility, unless the person: (1) is a peace officer; (2) is a school security guard; or (3) has written permission from the president of a branch or facility of the Nevada System of Higher Education, the principal of the school or the person designated by a child care facility to carry the weapon. (NRS 202.265) Section 1 adds pneumatic guns to the list of prohibited weapons on such property.

~~[Existing law, with certain exceptions, reserves for the Legislature the rights and powers necessary to regulate firearms and ammunition in this State. (NRS 244.364, 268.418, 269.222) Sections 3-5 of this bill similarly reserve for the Legislature the rights and powers necessary to regulate the design, manufacture, transfer, sale, purchase, possession, ownership, transportation, registration and licensing of certain knives in this State.]~~

Under existing law, it is a crime for a person to carry certain dangerous or deadly weapons in a concealed manner unless the person has a permit to do so. (NRS 202.350) Section 2 removes dirks, daggers and knives which are made an integral part of a belt buckle from the list of weapons for which such a permit is required. Section 2 also adds pneumatic guns to the list of weapons that a person cannot carry in a concealed manner without a permit to do so.

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

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pneumatic gun;
- ~~(f)~~ (f) A pistol, revolver or other firearm; or
- ~~(g)~~ (g) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

- (a) A private or public school or child care facility by a:
 - (1) Peace officer;
 - (2) School security guard; or
 - (3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.
- (b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

~~(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.~~

~~(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.~~

~~(d)~~ (c) "Pneumatic gun" means any implement designed as a gun that may expel a ball bearing or a pellet by action of pneumatic pressure. The term includes, without limitation, a paintball gun that expels plastic balls filled with paint for the purpose of marking the point of impact.

~~(d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.]~~ means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocketknife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle or other mechanical device, or is released by any type of mechanism. The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.

(e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

Sec. 2. NRS 202.350 is hereby amended to read as follows:

202.350 1. Except as otherwise provided in this section and NRS ~~[202.355 and]~~ 202.3653 to 202.369, inclusive, a person within this State shall not:

(a) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend or possess ~~[any knife which is made an integral part of a belt buckle or]~~ any instrument or weapon of the kind commonly known as a ~~[switchblade knife,]~~ blackjack, slungshot, billy, sand-club, sandbag or metal knuckles;

(b) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend, possess or use a machine gun or a silencer, unless authorized by federal law;

(c) With the intent to inflict harm upon the person of another, possess or use a nunchaku or trefoil; or

(d) Carry concealed upon his or her person any:

(1) Explosive substance, other than ammunition or any components thereof;

(2) ~~[Dirk, dagger or machete,]~~ Machete; or

(3) Pneumatic gun; or

~~(4) Pistol, revolver or other firearm, or other dangerous or deadly weapon . [; or~~

~~(4) Knife which is made an integral part of a belt buckle.]~~

2. Except as otherwise provided in NRS 202.275 and 212.185, a person who violates any of the provisions of:

(a) Paragraph (a) or (c) or subparagraph (2) ~~[or (4)]~~ of paragraph (d) of subsection 1 is guilty:

(1) For the first offense, of a gross misdemeanor.

(2) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

(b) Paragraph (b) or subparagraph (1) or (3) of paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in this subsection, the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this State the concealed weapon described in the permit. ~~[The sheriff shall not issue a permit to a person to carry a switchblade knife.]~~ This subsection does not authorize the sheriff to issue a permit to a person to carry a pistol, revolver or other firearm.

4. Except as otherwise provided in subsection 5, this section does not apply to:

(a) Sheriffs, constables, marshals, peace officers, correctional officers employed by the Department of Corrections, special police officers, police

officers of this State, whether active or honorably retired, or other appointed officers.

(b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such an officer.

(c) Any full-time paid peace officer of an agency of the United States or another state or political subdivision thereof when carrying out official duties in the State of Nevada.

(d) Members of the Armed Forces of the United States when on duty.

5. The exemptions provided in subsection 4 do not include a former peace officer who is retired for disability unless his or her former employer has approved his or her fitness to carry a concealed weapon.

6. The provisions of paragraph (b) of subsection 1 do not apply to any person who is licensed, authorized or permitted to possess or use a machine gun or silencer pursuant to federal law. The burden of establishing federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.

7. This section shall not be construed to prohibit a qualified law enforcement officer or a qualified retired law enforcement officer from carrying a concealed weapon in this State if he or she is authorized to do so pursuant to 18 U.S.C. § 926B or 926C.

8. As used in this section:

(a) "Concealed weapon" means a weapon described in this section that is carried upon a person in such a manner as not to be discernible by ordinary observation.

(b) "Honorably retired" means retired in Nevada after completion of 10 years of creditable service as a member of the Public Employees' Retirement System. A former peace officer is not "honorably retired" if he or she was discharged for cause or resigned before the final disposition of allegations of serious misconduct.

(c) "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

(d) "Nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods connected by a rope, cord, wire or chain used as a weapon in forms of Oriental combat.

(e) "Pneumatic gun" has the meaning ascribed to it in NRS 202.265.

(f) "Qualified law enforcement officer" has the meaning ascribed to it in 18 U.S.C. § 926B(c).

~~(f)~~ (g) "Qualified retired law enforcement officer" has the meaning ascribed to it in 18 U.S.C. § 926C(c).

~~(g)~~ (h) "Silencer" means any device for silencing, muffling or diminishing the report of a firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a

silencer or muffler, and any part intended only for use in such assembly or fabrication.

~~[(h) "Switchblade knife" means a spring blade knife, snap blade knife or any other knife having the appearance of a pocketknife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle or other mechanical device, or is released by any type of mechanism. The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.]~~

(i) "Trefoil" means an instrument consisting of a metal plate having three or more radiating points with sharp edges, designed in the shape of a star, cross or other geometric figure and used as a weapon for throwing.

Sec. 3. ~~[Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the design, manufacture, transfer, sale, purchase, possession, ownership, transportation, registration and licensing of knives in Nevada, and no county may infringe upon those rights and powers. As used in this section, "knife" means any cutting instrument with a sharpened or pointed blade.] (Deleted by amendment.)~~

Sec. 4. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the design, manufacture, transfer, sale, purchase, possession, ownership, transportation, registration and licensing of knives in Nevada, and no city may infringe upon those rights and powers. As used in this section, "knife" means any cutting instrument with a sharpened or pointed blade.] (Deleted by amendment.)~~

Sec. 5. ~~[Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the design, manufacture, transfer, sale, purchase, possession, ownership, transportation, registration and licensing of knives in Nevada, and no town may infringe upon those rights and powers. As used in this section, "knife" means any cutting instrument with a sharpened or pointed blade.] (Deleted by amendment.)~~

Sec. 6. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school,

for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

↪ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of the pupil's suspension or expulsion, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be

suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku ~~{, switchblade knife}~~ or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 7. NRS 393.410 is hereby amended to read as follows:

393.410 1. It is unlawful for any person:

(a) Willfully and maliciously to injure, mark or deface any public schoolhouse, its fixtures, books or appurtenances;

(b) To commit any nuisance in any public schoolhouse;

(c) To loiter on or near the school grounds; or

(d) Purposely and maliciously to commit any trespass upon the grounds attached to a public schoolhouse, or any fixtures placed thereon, or any enclosure or sidewalk about the same.

2. Except as otherwise provided in subsection 3, any person violating any of the provisions of this section is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.

3. Any person who is in possession of a dangerous weapon during his or her commission of a violation of paragraph (b), (c) or (d) of subsection 1 is guilty of a gross misdemeanor.

4. As used in this section:

(a) "Dangerous knife" means a knife having a blade that is 2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle.

(b) "Dangerous weapon" means:

- (1) An explosive or incendiary device;
- (2) A dirk, dagger, switchblade knife or dangerous knife;
- (3) A nunchaku or trefoil;
- (4) A blackjack or billy club or metal knuckles; or
- (5) A pistol, revolver or other firearm.

(c) "Explosive or incendiary device" has the meaning ascribed to it in NRS 202.253.

(d) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(e) "Switchblade knife" has the meaning ascribed to it in NRS ~~{202.350.}~~ 202.265.

(f) "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~Sec. 8. [Any ordinance or regulation adopted by a board of county commissioners, governing body of a city or town board existing on July 1, 2015, which conflicts with any provision of this act is void and must not be given effect to the extent of the conflict.] (Deleted by amendment.)~~

Sec. 9. NRS 202.355 is hereby repealed.

Sec. 10. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

202.355 Manufacture or sale of switchblade knives: Application for permit; eligibility; public hearing; restrictions.

1. Upon written application, the sheriff of any county may issue a permit authorizing a person whose place of business is located in that county to manufacture or to keep, offer or expose for sale switchblade knives if the person demonstrates good cause for such authorization.

2. Before issuing a permit, the sheriff shall request the board of county commissioners to hold a public hearing concerning the issuance of the permit.

3. If the sheriff issues a permit which authorizes a person to sell switchblade knives, the permit must provide that switchblade knives may be sold only to:

- (a) A person in another state, territory or country;
- (b) A person who is authorized by law to possess a switchblade knife in this state, including, without limitation, any sheriff, constable, marshal, peace officer and member of the Armed Forces of the United States when on duty; and
- (c) A distributor who has been issued a permit pursuant to this section.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment defines "pneumatic gun" and adds these to the list of weapons that we prohibited on the property of the Nevada System of Higher, a public or private school, in a vehicle of a school and a child care facility. These weapons cannot be carried, concealed.

Redefines "firearm" consistent with the definition found elsewhere in *Nevada Revised Statutes*; and deletes language in the original bill preempting any political subdivision of the State from regulating certain knives.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 191

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 207.

SUMMARY—Revises provisions relating to the return of seized property.
(BDR 14-204)

AN ACT relating to criminal procedure; revising provisions relating to the return of seized property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a procedure by which a person who is aggrieved by an unlawful search and seizure of his or her property may move a court for the return of the property and the suppression of its use as evidence. (NRS 179.085) This bill establishes a procedure by which a person who is aggrieved by the seizure and deprivation of property under certain other circumstances may move a court for the return of the property.

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

Section 1. NRS 179.085 is hereby amended to read as follows:

179.085 1. A person aggrieved by an unlawful search and seizure or the deprivation of property may move the court having jurisdiction where the property was seized for the return of the property ~~[-and]~~
~~[-2. A person aggrieved by an unlawful search and seizure may move for the return of the property and to suppress for use as evidence anything so obtained]~~ on the ground that:

- (a) The property was illegally seized without warrant;

- (b) The warrant is insufficient on its face;
- (c) There was not probable cause for believing the existence of the grounds on which the warrant was issued; ~~or~~
- (d) The warrant was illegally executed ~~[]~~; or
- (e) Retention of the property by law enforcement is not reasonable under the totality of the circumstances.

~~3. A person aggrieved by the deprivation of property may move for the return of the property on any of the grounds set forth in subsection 2 or on the ground that the retention of the property by law enforcement is not reasonable under the totality of the circumstances.~~

~~4. The judge shall receive evidence on any issue of fact necessary to the decision of the ~~[a]~~ motion.~~

~~2. [filed pursuant to this section.]~~

~~5. If the ~~[a]~~ motion [filed pursuant to subsection 2] is granted ~~[]~~ on a ground set forth in paragraph (a), (b), (c) or (d) of subsection 1, the property [shall] must be restored [unless otherwise subject to lawful detention] and it [shall] must not be admissible evidence at any hearing or trial.~~

~~3. [The~~

~~6. If ~~[a]~~ the motion [filed pursuant to subsection 3] is granted ~~[]~~ on the ground set forth in paragraph (e) of subsection 1, the property must be restored, but the court may impose reasonable conditions to protect access to the property and its use in later proceedings.~~

~~7. 4. A motion to suppress evidence on any ground set forth in paragraphs (a) to (d), inclusive, of subsection 1 may also be made in the court where the trial is to be had. The motion [shall] must be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.~~

~~8. 5. If a motion pursuant to this section is filed when no criminal proceeding is pending, the motion must be treated as a civil complaint seeking equitable relief.~~

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 207 consolidates language in section 1 of Senate Bill No. 191 to clarify that its provisions apply to search and seizure and the deprivation of property. It also provides that a motion for the return of property may be made based upon the argument that "retention of the property by law enforcement is not reasonable under the totality of the circumstances."

The amendment also sets forth the conditions under which returned property is either inadmissible as evidence or is to remain accessible to the court for use in future proceedings.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 272.

SUMMARY—Revises provisions relating to plans to be used by a school in responding to a crisis or emergency. (BDR 34-404)

AN ACT relating to schools; requiring the Department of Education to develop a model plan for the management of a crisis or emergency that involves a public or private school; requiring plans for responding to a crisis or emergency in public schools, charter schools and private schools to include the plans, procedures and information included in the model plan developed by the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to develop a plan for the management of a crisis or an emergency that involves a public or private school. (NRS 392.640) Section 3 of this bill instead requires the Department of Education to develop a model plan for the management of a crisis or an emergency that involves a public school or private school. Section 3 requires this model plan to include certain procedures, plans and information.

Existing law requires the board of trustees of each school district or the governing body of a charter school or private school to establish a development committee to develop a plan to be used by a school in responding to a crisis or an emergency. (NRS 392.616, 392.620, 394.1685, 394.1687) Sections ~~4~~ 1.7 and 7 of this bill require such plans to include, without limitation, the plans, procedures and information included in the model plan developed by the Department.

Existing law requires each development committee to: (1) review and update the plan it developed for the management of a crisis or an emergency; (2) post a notice of the completion of such a review at each school; and (3) provide a copy of the plan to the State Board. (NRS 392.624, 394.1688) Sections 2 and 8 of this bill remove the requirement that a development committee provide a copy of each plan to the State Board and instead requires each committee to file a copy of the notice of completion of its review with the Department. Sections 4-6 of this bill make conforming changes to refer to the model plan developed by the Department.

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

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

"Public safety agency" means:

1. A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;

2. A law enforcement agency as defined in NRS 277.035; or

3. An emergency medical service.

Sec. 1.3. NRS 392.600 is hereby amended to read as follows:

392.600 As used in NRS 392.600 to 392.656, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in

NRS 392.604 to 392.612, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.

~~Section 1.~~ Sec. 1.7. NRS 392.620 is hereby amended to read as follows:

392.620 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local ~~law enforcement~~ public safety agencies in the county in which its school district or charter school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation : ~~[- a procedure for:]~~

~~(a) [Assisting persons within a school in the school district or the charter school to communicate with each other;~~

~~—(b) Assisting persons within a school in the school district or the charter school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of the school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;~~

~~—(c) Immediately] The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 392.640;~~

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

~~[(d) Assisting pupils of a school in the school district or the charter school, employees of the school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school; and~~

~~—(e) Enforcing] and~~

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district

that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in NRS 392.632 and 392.636, each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

Sec. 2. NRS 392.624 is hereby amended to read as follows:

392.624 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 392.620. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 392.600 to 392.656, inclusive, and section 1 of this act, at each school in its school district or at its charter school;

~~[(e)]~~ (d) Retain a copy of each plan developed pursuant to NRS 392.620, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 392.636;

~~[(d)]~~ (e) Provide a copy of each plan developed pursuant to NRS 392.620 and each plan updated pursuant to subsection 1 to:

(1) ~~[(The State Board;]~~

~~[(2)]~~ Each local ~~[(law enforcement)]~~ public safety agency in the county in which the school district or charter school is located;

~~[(3)]~~ (2) The Division of Emergency Management of the Department of Public Safety; and

~~[(4)]~~ (3) The local organization for emergency management, if any;

~~[(e)]~~ (f) Upon request, provide a copy of each plan developed pursuant to NRS 392.620 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

~~[(f) Upon request, provide]~~

(g) Provide a copy of each deviation approved pursuant to NRS 392.636 as soon as practicable to:

(1) The ~~[(State Board;]~~ Department;

(2) A local ~~[law enforcement]~~ public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

~~[(g)]~~ (h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 392.600 to 392.656, inclusive, ~~and section 1 of this act.~~

Sec. 3. NRS 392.640 is hereby amended to read as follows:

392.640 1. The ~~[State Board]~~ Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of a crisis or an emergency that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The model plan must include, without limitation, a procedure for ~~[coordinating]~~ :

(a) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate ~~[-]~~ ;

(b) Accounting for all persons within a school;

(c) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(d) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(e) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(f) Reunifying a pupil with his or her parent or legal guardian;

(g) Providing any necessary medical assistance;

(h) Recovering from a crisis or an emergency;

(i) Carrying out a lockdown at a school in which persons are not allowed to enter or exit the school;

(j) Providing shelter in specific areas of a school; and

(k) Providing specific information relating to managing a crisis or an emergency that is a result of:

- ~~(1) A severe storm;~~
- ~~(2) An earthquake;~~
- ~~(3) A fire;~~
- ~~(4) A flood;~~
- ~~(5) An incident involving hazardous materials;~~
- ~~(6) (2) An incident involving mass casualties;~~
- ~~(7) (3) An incident involving an active shooter; ~~or~~~~
- ~~(8) (4) An outbreak of disease; ~~or~~~~
- (5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or
- (6) Any other situation, threat or hazard deemed appropriate.

2. In developing the model plan, the ~~{State Board}~~ Department shall consider the plans developed pursuant to NRS 392.620 and 394.1687 and updated pursuant to NRS 392.624 and 394.1688.

~~{2.}~~ 3. The ~~{State Board}~~ Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the ~~{State Board}~~ Department determines is necessary:

- (a) The model plan developed by the ~~{State Board}~~ Department pursuant to subsection 1;
- (b) A plan developed pursuant to NRS 392.620 or updated pursuant to NRS 392.624;
- (c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and
- (d) A deviation approved pursuant to NRS 392.636 or 394.1692.

4. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 4. NRS 392.648 is hereby amended to read as follows:

392.648 1. If a crisis or an emergency that requires immediate action occurs at a public school, including, without limitation, a charter school, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 392.620 and in accordance with any deviation approved pursuant to NRS 392.636, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

- (a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public

Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

Sec. 5. NRS 392.652 is hereby amended to read as follows:

392.652 A plan developed pursuant to NRS 392.620 or updated pursuant to NRS 392.624, a deviation and any information submitted to a development committee pursuant to NRS 392.632, a deviation approved pursuant to NRS 392.636 and the model plan developed pursuant to NRS 392.640 are confidential and, except as otherwise provided in NRS 239.0115 and 392.600 to 392.656, inclusive, and section 1 of this act must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 6. NRS 392.656 is hereby amended to read as follows:

392.656 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. A development committee;
2. A school committee; ~~or~~
3. The State Board if the meeting concerns a regulation adopted pursuant to NRS 392.644 ; or
4. The Department if the meeting concerns the model plan developed pursuant to NRS 392.640.

Sec. 7. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each development committee shall develop a plan to be used by its school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local ~~law enforcement~~ public safety agencies in the county in which its school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief

of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation ~~[, a procedure for:~~

- ~~—(a) Assisting persons within the school to communicate with each other;~~
- ~~—(b) Assisting persons within the school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of the school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;~~
- ~~—(c) Immediately] :~~

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 392.640;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school;

~~[(d) Assisting pupils of the school, employees of the school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school; and~~

~~—(e) Enforcing] and~~

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 8. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at the school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 392.640 and 394.168 to 394.1699, inclusive, at the school;

~~[(e)]~~ (d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

~~[(d)]~~ (e) Provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) ~~[(The Board);~~

~~[(2)]~~ Each local ~~[(law enforcement)]~~ public safety agency in the county in which the school is located;

~~[(3)]~~ (2) The Division of Emergency Management of the Department of Public Safety; and

~~[(4)]~~ (3) The local organization for emergency management, if any;

~~[(e)]~~ (f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

~~[(f)]~~ (g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The ~~[(Board);]~~ Department;

(2) A local ~~[(law enforcement)]~~ public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

~~[(g)]~~ (h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

Sec. 9. NRS 394.1696 is hereby amended to read as follows:

394.1696 1. If a crisis or an emergency that requires immediate action occurs at a private school, the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

Sec. 10. This act becomes effective on July 1, 2015.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

This amendment clarifies that "public safety agencies" also include fire and emergency medical agencies; requires that school emergency plans reference threats or hazards listed in the local county hazard mitigation plan; and ensures any approved school emergency plan deviations are timely distributed to all relevant entities.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 214

Bill read second time.

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

Amendment No. 212.

SUMMARY—Creates the Nevada Advisory Council on Federal Assistance. (BDR 31-837)

AN ACT relating to state financial administration; creating the Nevada Advisory Council on Federal Assistance; providing for the membership, powers and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill generally creates the Nevada Advisory Council on Federal Assistance for the purposes of ~~[evaluating, monitoring and]~~ advising and assisting state and local agencies with respect to obtaining and maximizing federal assistance that may be available ~~[to such agencies]~~ from any agency or authority of the Federal Government. Section 3 of this bill creates the Council and prescribes the membership of the Council. Sections 4 and 5 of this bill set forth the duties and powers of the Council. Section 4 requires the Council to meet at least once annually and authorizes the Council, for the purpose of carrying out its duties, to: (1) appoint committees from its members; (2) engage the services of volunteers and consultants without compensation; and (3) apply for and receive gifts, grants, contributions and other money from any source. Section 4 further requires the Council to submit annual reports to the Governor and the Legislature outlining the activities and recommendations of the Council. Section 5 requires the Council, within the scope of its authority, to ~~[evaluate, monitor and]~~ advise and assist state and local agencies with respect to obtaining and maximizing federal assistance. Section 5 authorizes the Council to ~~[submit inquiries and]~~ request certain information in accordance with its stated purpose and authorizes a state or local agency ~~[, in its discretion,]~~ to cooperate with the Council for the purpose of obtaining and maximizing federal assistance that may be available to the agency. Section 5 requires the Council to: (1) ~~[develop model strategies and guidelines tailored towards assisting the individual needs and opportunities of state and local agencies;]~~ address methods and models for identifying, procuring, utilizing and maintaining federal assistance; and (2) develop legislative and executive recommendations_ ~~[to address certain barriers to the acquisition of federal assistance by state and local agencies; and (3) at the request of a state or local agency, advise and assist the agency with the implementation of any strategy to obtain and maximize any federal assistance that may be available to the agency.]~~

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Council" means the Nevada Advisory Council on Federal Assistance created by section 3 of this act.

Sec. 3. 1. The Nevada Advisory Council on Federal Assistance is hereby created. The Council consists of the following ~~[17]~~ seven members:

- ~~(a) The Superintendent of Public Instruction or his or her designee.~~
- ~~(b) The Director of the Department of Health and Human Services or his or her designee.~~
- ~~(c) The Director of the Department of Transportation or his or her designee.~~

~~(d) The Executive Director of the Office of Economic Development or his or her designee.~~

~~(e) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada.~~

~~(f) Seven members who are representatives of business and industry, nonprofit and philanthropic organizations, academia, public policy organizations and local governments, three of whom are appointed by the Governor, two of whom are appointed by the Majority Leader of the Senate and two of whom are appointed by the Speaker of the Assembly.~~

~~(g) One member appointed by the Governor who must be a member of the Legislature.~~

~~(h) One member of the Senate appointed by the Majority Leader of the Senate.~~

~~(i) (b) One member of the Assembly appointed by the Speaker of the Assembly.~~

~~(j) One member of the Senate appointed by the Minority Leader of the Senate.~~

~~(k) One member of the Assembly appointed by the Minority Leader of the Assembly.]~~

(c) One member appointed by the Governor who represents a nonprofit organization that provides grants in this State.

(d) One member appointed by the Governor who represents a local government.

(e) One member appointed by the Governor who represents private businesses.

(f) The Chief of the Budget Division of the Department of Administration.

(g) The Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration.

2. The members described in:

(a) Paragraphs (a) to (e), inclusive, of subsection 1 are voting members.

(b) Paragraphs (f) and (g) of subsection 1 are nonvoting members.

3. The ~~persons appointing members to the Council pursuant to paragraphs (f) to (k), inclusive, of subsection 1~~ Governor shall, to the extent practicable, collaborate to ensure that the ~~appointees~~ persons appointed pursuant to paragraphs (c), (d) and (e) of subsection 1 are representative of the urban and rural areas of this State.

~~3. After the initial terms, each~~

4. Each appointed member of the Council serves a term of 2 years.

~~4.] 5. An appointed member of the Council:~~

~~(a) May be reappointed.~~

~~(b) Shall not serve more than three terms.~~

~~5.] 6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a~~

vacancy shall serve as a member of the Council for the remainder of the original term of appointment.

~~6~~ 7. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~7~~ 8. The Department of Administration shall provide the Council with administrative support.

Sec. 4. 1. At the first meeting of each calendar year, the Council shall elect from its members a Chair, Vice Chair and Secretary, and shall adopt the rules and procedures of the Council.

2. The Council shall meet at least once each calendar year and at other times at the call of the Chair or a majority of its members.

3. A majority of the members of the Council constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Council.

4. The Council may ~~be for~~ :

~~(a) For the purpose of carrying out the duties of the Council prescribed by section 5 of this act:~~

~~(a) :~~

(1) Appoint committees from its members.

~~(b) (2) Engage the services of volunteer workers and consultants without compensation.~~

~~(c) Apply~~

~~(b) For the purpose of carrying out the duties set forth in paragraph (a) of subsection 3 of section 5 of this act, apply for and receive gifts, grants, contributions or other money from any source.~~

5. The Council shall, on or before December 31 of each year, prepare and submit a report outlining the activities and recommendations of the Council to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) The Legislative Commission if the report is submitted in an odd-numbered year; or

(2) The next regular session of the Legislature if the report is submitted in an even-numbered year.

Sec. 5. 1. The Council shall, within the scope of its authority, ~~evaluate and monitor the success of, and~~ advise and assist state and local agencies with respect to ~~obtaining and maximizing federal assistance that may be available from any agency or authority of the Federal Government.~~

2. The Council may request information from state and local agencies for the purposes of evaluating and monitoring the success of such agencies in accordance with the stated purpose of the Council pursuant to subsection 1. A state or local agency may provide any information, collaborate with the

Council or utilize any assistance offered by the Council for the purpose of obtaining and maximizing any federal assistance that may be available to the state or local agency.

3. The Council shall:

(a) ~~Develop model strategies and guidelines for the purposes of applying for and receiving~~ Address methods and models for identifying, procuring, utilizing and maintaining federal assistance ~~that are tailored towards the individual needs and opportunities of state and local agencies. The model strategies and guidelines may address:~~

~~— (1) Legal, regulatory and other barriers to the acquisition of federal assistance that may exist at each level of federal, state or local government.~~

~~— (2) Opportunities for obtaining matching funds from federal and private sector grants and contract opportunities.~~

~~— (3) Opportunities to partner with nonprofit and philanthropic organizations to achieve common objectives.] , including, without limitation:~~

(1) Streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that may exist at each level of federal, state or local government.

(2) Developing and expanding opportunities for obtaining matching funds for federal assistance.

(3) Ensuring sufficient personnel and technical expertise in state and local governments and nonprofit organizations.

(4) Developing and expanding opportunities to work with nonprofit organizations to achieve common goals.

~~— (5) Standards for sufficient personnel and technical expertise to identify, secure, manage and maintain federal assistance.~~

~~— (5) Balancing] balancing~~ balancing the costs to a state or local agency of maximizing eligibility for federal assistance relative to the ability of the agency to utilize effectively such federal assistance.

(b) ~~Develop legislative and executive recommendations to address legal, regulatory and other barriers to the acquisition of federal assistance that may otherwise be available to state and local agencies.~~

~~— (c) At the request of a state or local agency, advise and assist the agency with the implementation of any strategy to obtain and maximize any federal assistance that may otherwise be available to the agency.] on matters described in paragraph (a).~~

4. As used in this section, "federal assistance" means money, equipment, material or services that may be available to a state or local agency from any agency or authority of the Federal Government pursuant to a federal program.

Sec. 6. 1. The members of the Nevada Advisory Council on Federal Assistance created by section 3 of this act who are appointed to initial terms in accordance with paragraphs ~~[(c) to (k),]~~ (a) to (e), inclusive, of subsection 1 of section 3 of this act must be appointed on or before October 1, 2015.

2. The Governor shall call the first meeting of the Council, which must take place on or before December 31, 2015.

~~[3. At the first meeting of the Council, the 13 members appointed to initial terms pursuant to paragraphs (e) to (k), inclusive, of subsection 1 of section 3 of this act shall choose their terms of office by lot, in the following manner:~~

~~— (a) Seven members for terms of 2 years; and~~

~~— (b) Six members for terms of 1 year.]~~

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2015.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 212 to Senate Bill No. 214 decreases the number of members to be appointed to the Council from 17 to 7; 5 are voting and 2 are nonvoting members. The amendment also revises the duties of the Council.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 238.

Bill read second time.

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

Amendment No. 196.

SUMMARY—Disincorporates the City of Ely. (BDR S-709)

AN ACT relating to the City of Ely; disincorporating the City and forming the Town of Ely; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill disincorporates the City of Ely and forms the Town of Ely, effective on ~~January 1, 2016,~~ July 1, 2018, if the voters of the City approve a ballot question on the issue at the June ~~2, 2015,~~ 6, 2017, general city election. If the voters approve the disincorporation of the City: (1) the Board of County Commissioners of White Pine County becomes the governing body of the newly formed Town; and (2) all money, property, assets, liabilities and indebtedness of the City of Ely become the money, property, assets, liabilities and indebtedness of the Town of Ely, on ~~January 1, 2016,~~ July 1, 2018. This bill makes various other changes to facilitate the transition of the City to the Town.

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

Section 1. 1. The City of Ely is hereby disincorporated.

2. The Town of Ely is hereby created. The boundaries of the Town of Ely are coterminous with the boundaries of the City of Ely, as they existed on ~~December 31, 2015,~~ June 30, 2018.

3. Notwithstanding any provision of law to the contrary, the term of office of any elected officer of the City ends on ~~December 31, 2015.~~ June 30, 2018.

Sec. 2. At the general city election held in the City of Ely on June ~~2, 2015.~~ 6, 2017, a question must be placed on the ballot in substantially the following form:

Shall the City of Ely be disincorporated?

Yes No

The voter shall mark the ballot by placing a cross (x) next to the word "yes" or "no."

Sec. 3. If the question set forth in section 2 of this act is approved by the voters of the City of Ely:

1. All money, property, assets, liabilities and indebtedness of the City of Ely become the money, property, assets, liabilities and indebtedness of the Town of Ely on ~~January 1, 2016.~~ July 1, 2018.

2. On ~~January 1, 2016.~~ July 1, 2018:

(a) Except as otherwise provided in this paragraph, the Board of County Commissioners of White Pine County is the governing body of the Town of Ely. At any time on or after ~~January 1, 2016.~~ July 1, 2018:

(1) A town board may be established pursuant to NRS 269.016 to 269.022, inclusive;

(2) A citizens' advisory council may be established pursuant to NRS 269.024 to 269.0248, inclusive; or

(3) A town advisory board may be established pursuant to NRS 269.576 or 269.577, as applicable, if the provisions of NRS 269.500 to 269.625, inclusive, become applicable to the Town pursuant to NRS 269.530;

(b) Any justice of the peace within the Town of Ely shall have jurisdiction to execute and complete all unfinished business standing on the court records of the City of Ely; and

(c) The provisions of chapter 269 of NRS apply to the Town of Ely.

3. Any property located within the City of Ely which was assessed and taxed by the City before disincorporation must continue to be assessed and taxed to pay for any indebtedness incurred by the City before disincorporation.

4. Before ~~January 1, 2016.~~ July 1, 2018, the Board of County Commissioners of White Pine County and the City Council of the City of Ely must perform all actions and preparatory administrative tasks necessary to facilitate the transition of the City of Ely to the Town of Ely.

Sec. 4. NRS 243.385 is hereby amended to read as follows:

243.385 After August 1, 1887, the county seat of White Pine County shall be located at the ~~City~~ Town of Ely in White Pine County.

Sec. 5. NRS 328.350 is hereby amended to read as follows:

328.350 1. The consent of the State of Nevada is hereby given, in accordance with Clause 17 of Section 8 of Article I of the Constitution of the United States, to the acquisition by the United States of the

following-described land in this state as a site for a federal building at Ely: Lying and being in the ~~{City}~~ Town of Ely, County of White Pine, State of Nevada; beginning at a point being the intersection of the westerly line of Fifth Street with the southerly line of Clark Street; running thence south 79°6¢ west 125 feet to a point in the south line of Clark Street; thence south 10°54¢ east 100 feet to a point in the north line of a 15-foot public alley; thence north 79°6¢ east 125 feet to a point in the west line of Fifth Street; thence north 10°54¢ west 100 feet to the point or place of beginning, being all of Lots 7, 8, 9, 10 and 11 of Block "Y," as shown and delineated upon the map or plat of the Townsite of Ely, filed and recorded in the Office of the County Recorder of White Pine County, Nevada.

2. The exclusive jurisdiction in and over the land described is hereby ceded to the United States for all purposes, except the service thereon of all civil and criminal process of the courts of this state, but the jurisdiction so ceded shall continue no longer than the United States shall own such lands; and so long as the lands shall remain the property of the United States, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal assessment, taxation or other charges which may be levied or imposed under the authority of this state.

Sec. 6. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 3 of this act becomes effective on June ~~{3, 2015,}~~ 7, 2017, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.

3. Sections 1, 4 and 5 of this act become effective on ~~{January 1, 2016,}~~ July 1, 2018, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

This extends the dates past the next Legislative Session, as follows: 1) from June 2, 2015, to June 6, 2017, for placing the question on the ballot; and 2) from January 1, 2016, to July 1, 2018, if the ballot question is approved, for the Board of County Commissioners of White Pine County to become the governing body of the newly formed Town of Ely and certain assets to transfer from the City of Ely to the Town of Ely.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 239.

Bill read second time and ordered to third reading.

Senate Bill No. 249.

Bill read second time.

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

Amendment No. 254.

SUMMARY—Revises provisions relating to local financial administration. (BDR 31-1023)

AN ACT relating to local government financial administration; reducing the time in which a person who is owed certain money by a county may make a demand for payment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who is owed money by a county and who fails or neglects to demand payment of the money within 2 years is disallowed from collecting the amount owed unless, within 6 years after the initial 2-year period, the person makes a demand for payment. (NRS 354.190) This bill ~~shortens from 6 years to 1 year the period within which a person owed a debt by a county, whose claim has been disallowed due to failure or neglect to demand payment within 2 years, may be reallocated to collect such a debt upon making a demand.~~ provides that the owner of an indebtedness of the county must demand the payment of the indebtedness from the county not later than 1 year after the date of the original allowance or the payment of the indebtedness is barred unless the board of county commissioners allows payment.

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

Section 1. NRS 354.190 is hereby amended to read as follows:

354.190 1. ~~When there shall be in the general, contingent, indigent sick or road fund of a county any sum of money which has been in the fund for the term of 2 years or more by reason of the failure or neglect of the owner of such indebtedness to demand payment of the same, such sum of money shall be applied to the payment of the more recent indebtedness of the county payable out of such fund.~~

~~2. If the~~ The owner of ~~such allowance shall demand such sum of money within 6 years~~ an indebtedness of a county must demand payment of the indebtedness from the county not later than 1 year ~~from~~ after the date of the original allowance. ~~of such sum of money, and after such sum of money has been so applied, the board of county commissioners may again allow the demand for the amount originally allowed, without interest, and no more, and any such demand so reallocated shall be paid in the order of its reallocation out of the fund originally accountable therefor, if such fund exists. If no such fund exists at the time, then such demand shall be paid in the order of its reallocation out of the county general fund.~~

~~3. Should~~

~~2. If the payment of~~ such sum of money not be ~~an indebtedness of the county is not demanded within 6 years~~ 1 year ~~from and~~ after the original allowance ~~of such demand, then such indebtedness shall not be reallocated by the board of county commissioners and~~ , except as otherwise provided in subsection 3, the payment thereof shall be forever barred.

3. If the payment of an indebtedness of the county is demanded more than 1 year after the original allowance, the board of county commissioners may allow the payment. Nothing in this subsection requires the board to allow the payment of an indebtedness that is demanded more than 1 year after the original allowance.

4. Nothing in this section shall be so construed as to affect or repeal any law providing for the redemption or funding of the indebtedness of any county.

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

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

This revises a provision relating to a financial administration, clarifies the intent of the legislation to require anyone owed a debt by a county to demand payment within one year after the date of the original allowance. The amendment further allows the county the discretion to pay debts submitted after one year.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 256.

Bill read second time.

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

Amendment No. 202.

SUMMARY—Revises provisions relating to the civil liability of innkeepers. (BDR 54-1018)

AN ACT relating to innkeepers; revising provisions relating to the civil liability of innkeepers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law limits the liability of an ~~innkeeper~~ owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State for the loss of or damage to certain personal property brought by a patron onto the premises of the innkeeper, including that left in a motor vehicle upon the premises. (NRS 651.010) The Nevada Supreme Court has ruled that the language of the statute does not shield an innkeeper from liability for the loss of or damage to a motor vehicle itself, as separate from the contents, brought by a patron onto the premises of the innkeeper. (Arguello v. Sunset Station, Inc., 127 Nev. Adv. Op. 29, 252 P.3d 206 (2011)) This bill ~~revises existing law to limit~~ limits the liability of an innkeeper for the loss of or damage to a motor vehicle brought by a patron onto the premises of the innkeeper. ~~[, and not just the contents of the motor vehicle.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~NRS 651.010 is hereby amended to read as follows:~~

~~651.010 1. An owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State is not civilly liable for the theft,~~

~~loss, damage or destruction of any property brought by a patron upon the premises, including, without limitation, a motor vehicle or property left in a motor vehicle upon the premises, because of theft, burglary, fire or otherwise, in the absence of gross neglect by the owner or keeper.~~

~~2. An owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State is not civilly liable for the theft, loss, damage or destruction of any property of a guest left in a guest room if:~~

~~(a) The owner or keeper provides a fireproof safe or vault in which guests may deposit property for safekeeping;~~

~~(b) Notice of this service is personally given to a guest or posted in the office and the guest's room; and~~

~~(c) The property is not offered for deposit in the safe or vault by a guest, unless the owner or keeper is grossly negligent.~~

~~3. An owner or keeper is not obligated to receive property to deposit for safekeeping which exceeds \$750 in value or is of a size which cannot easily fit within the safe or vault.~~

~~4. The liability of the owner or keeper does not exceed the sum of \$750 for any property, including, but not limited to, property which is not deposited in a safe or vault because it cannot easily fit within the safe or vault, of an individual patron or guest, unless the owner or keeper receives the property for deposit for safekeeping and consents to assume a liability greater than \$750 for its theft, loss, damage or destruction in a written agreement in which the patron or guest specifies the value of the property.] (Deleted by amendment.)~~

Sec. 2. Chapter 651 of NRS is hereby amended by adding thereto a new section to read as follows:

An owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State is not civilly liable for the theft, loss, damage or destruction of a motor vehicle brought by a patron upon the premises or left upon the premises, because of theft, burglary, fire or otherwise, in the absence of gross neglect by the owner or keeper.

Sec. 3. NRS 651.005 is hereby amended to read as follows:

651.005 As used in NRS 651.005 to 651.040, inclusive, and section 1 of this act, "premises" includes, but is not limited to, all buildings, improvements, equipment and facilities, including any parking lot, recreational facility or other land, used or maintained in connection with a hotel, inn, motel, motor court, boardinghouse or lodging house.

~~{Sec. 2}~~ Sec. 4. This act becomes effective on July 1, 2015.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 202 makes one change to Senate Bill No. 256. The amendment expands the provisions of the bill to include an owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house. It also creates a new section in NRS limiting the liability of an innkeeper for the loss of or damage to a motor vehicle brought by a patron onto the premises of the innkeeper.

Amendment adopted.

Bill ordered reprinted engrossed and to third reading.

Senate Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 205.

SUMMARY—Expands authorization for certain offenders to have access to telecommunications devices under certain circumstances. (BDR 16-282)

AN ACT relating to offenders; expanding the authorization for offenders to have access to telecommunications devices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits offenders from having access to telecommunications devices except under certain circumstances. (NRS 209.417) This bill authorizes the Department of Corrections to enter into an agreement with an offender allowing the offender to use telecommunications devices for certain purposes related to education and employment.

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. Except as otherwise provided in ~~subsection 2,~~ this section, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device.

2. An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.

3. The Department may enter into an agreement with an offender who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training authorizing the offender to use a telecommunications device:

(a) To access a network, including, without limitation, the Internet, for the purpose of:

(1) Obtaining educational or vocational training that is approved by the Department;

(2) Searching for or applying for employment; or

(3) Performing essential job functions.

(b) For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.

4. As used in this section, "telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the

offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

Sec. 2. NRS 212.165 is hereby amended to read as follows:

212.165 1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. A prisoner confined in a jail or any other place where such prisoners are authorized to be or are assigned by the sheriff, chief of police or other officer responsible for the operation of the jail, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection and who is in lawful custody or confinement for a charge, conviction or sentence for:

(a) A felony is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A gross misdemeanor is guilty of a gross misdemeanor.

(c) A misdemeanor is guilty of a misdemeanor.

5. A sentence imposed upon a prisoner pursuant to subsection 3 or 4:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was in lawful custody or confinement when the prisoner violated the provisions of subsection 3 or 4.

6. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been reduced to a charge for which the penalty is less than the penalty which was imposed upon the person pursuant

to subsection 4, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her sentence imposed pursuant to subsection 4 be modified to a sentence equivalent to the penalty imposed for the underlying charge for which the person was convicted; and

(b) Resentence him or her in accordance with the penalties prescribed for the underlying charge for which the person was convicted.

7. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been declined for prosecution or dismissed, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her original sentence pursuant to subsection 4 be reduced to a misdemeanor; and

(b) Resentence him or her in accordance with the penalties prescribed for a misdemeanor.

8. No person has a right to the modification of a sentence pursuant to subsection 6 or 7, and the granting or denial of a petition pursuant to subsection 6 or 7 does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State.

9. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

(c) "Jail" means a jail, branch county jail or other local detention facility.

(d) "Telecommunications device" has the meaning ascribed to it in subsection ~~3~~ 4 of NRS 209.417.

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

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 205 clarifies that the provisions of Senate Bill No. 294 apply only to an offender residing at a Department of Corrections' restitution center or transitional housing facility, which has approved the offender's use of a telecommunication devise.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 339.

Bill read second time and ordered to third reading.

Senate Bill No. 340.

Bill read second time.

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

Amendment No. 282.

SUMMARY—Revises provisions governing public works. (BDR 28-255)

AN ACT relating to public works; disqualifying a contractor from being awarded a contract for a public work under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Labor Commissioner to impose an administrative penalty against a person who violates certain provisions related to contracts for public works in this State. (NRS 338.015) A person against whom such an administrative penalty is imposed may not be awarded a contract for a public work for a period of 3 years, and upon a second or subsequent offense, for a period of 5 years. (NRS 338.017) In addition to the prohibition on being awarded a contract for public works, such a person is also subject to the suspension of his or her contractor's license by the State Contractors' Board for the length of the prohibition. (NRS 624.300)

Under federal law, a contractor may be excluded for a period of time from receiving contracts from the Federal Government if the contractor is debarred ~~or proposed for debarment, suspended or declared ineligible based on various enumerated causes.~~ (48 C.F.R. §§ 9.400 et seq.)

This bill provides that, if a contractor is excluded for a period of time from receiving contracts from the Federal Government as a result of being debarred, ~~proposed for debarment, suspended or declared ineligible,~~ the contractor may not be awarded a contract for a public work in this State for the longer of: (1) 4 years ~~from~~ after the date on which the Labor Commissioner becomes aware of the exclusion; or (2) the length of the term of debarment ~~or proposed debarment, suspension or ineligibility.~~

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

Section 1. NRS 338.017 is hereby amended to read as follows:

338.017 1. If any administrative penalty is imposed pursuant to this chapter against a person for the commission of an offense ~~or~~ ~~1. That~~, that person, and the corporate officers, if any, of that person, may not be awarded a contract for a public work:

(a) For the first offense, for a period of 3 years after the date of the imposition of the administrative penalty; and

(b) For the second or subsequent offense, for a period of 5 years after the date of the imposition of the administrative penalty.

2. A person, and the corporate officers, if any, of that person, who is identified in the System for Award Management Exclusions operated by the General Services Administration as being excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred ~~or proposed for debarment, suspended or declared ineligible~~ may not be awarded a contract for a public work:

(a) For a period of 4 years ~~from~~ after the date ~~that~~ on which the Labor Commissioner is made aware of the exclusion from receiving contracts from the Federal Government; or

(b) For the period of debarment ~~[, proposed debarment, suspension or ineligibility]~~ of the contractor from receiving contracts from the Federal Government,

↪ whichever is longer.

3. The Labor Commissioner, upon learning that a contractor has been excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred, ~~[proposed for debarment, suspended or declared ineligible]~~ shall disqualify the contractor from being awarded a contract for a public work as provided in subsection 2.

4. The Labor Commissioner shall notify the State Contractors' Board of each contractor who is prohibited or disqualified from being awarded a contract for a public work pursuant to this section.

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

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment narrows the scope of the legislation to apply only to contractors who have been debarred, not those who are proposed for debarment, suspended or declared ineligible.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 482.

Bill read second time and ordered to third reading.

Senate Bill No. 485.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 183.

SUMMARY—Proposes to amend the Nevada Constitution to preserve the right to hunt, trap and fish in this State. (BDR C-1001)

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to preserve the right to hunt, trap and fish in this State.

Legislative Counsel's Digest:

This resolution proposes to amend the Nevada Constitution by adding a new section to Article 1 to preserve the right to hunt, trap and fish for residents of this State. This resolution provides that hunting, trapping and fishing are ~~[the preferred means of managing]~~ integral components of the management of wildlife in this State. This resolution further provides that the right to hunt, trap and fish does not: (1) create a right to trespass on private property; (2) affect certain existing rights related to water management or

use; (3) diminish any other ~~[property]~~ private right; ~~[or]~~ (4) diminish the authority of a local government to regulate the use of real property owned, occupied or leased by the local government; or (5) prohibit the enactment or enforcement of any statute or regulation requiring a person to obtain a hunting, trapping or fishing license or requiring the revocation or suspension of a person's hunting, trapping or fishing license.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 23, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 23. 1. The right to hunt, trap and fish, including by the use of any traditional method, shall be preserved for the residents of this State and managed through statutes and regulations which preserve that right ~~[+]~~ and which promote the conservation and management of wildlife. Hunting, trapping and fishing of wildlife by members of the public is an important part of the heritage of this State and shall remain an integral component of the ~~[preferred means of managing]~~ management of wildlife in this State.

2. This section does not:

- (a) Create a right to trespass on private property;
- (b) Affect any right to divert, appropriate or use water or establish any minimum amount of water in any body of water;
- (c) Diminish any other private right; ~~[or]~~
- (d) Diminish the authority of a local government to regulate the use of real property owned, occupied or leased by the local government; or
- (e) Prohibit the enactment or enforcement of any statute or regulation requiring a person to obtain a hunting, trapping or fishing license or requiring the suspension or revocation of a person's hunting, trapping or fishing license.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

The amendment adds that hunting, trapping and fishing are integral components of wildlife management, and clarifies that the resolution does not diminish the authority of local government to regulate the use of their property or prohibit the enforcement of regulations requiring a person to obtain a hunting, trapping or fishing license.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bills Nos. 76, 214 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 3.

Bill read third time.

Remarks by Senator Gustavson.

Senate Bill No. 3 requires the Department of Motor Vehicles (DMV) to establish and maintain an Internet-based registry of emergency contact information to be known as the Next-of-Kin Registry. Anyone who has a Nevada driver's license, driver authorization card or identification card may establish a portal account and create a registry record with the Registry. In the case of a motor vehicle accident, a law enforcement officer or other authorized employee of a law enforcement agency must search the Registry when practicable and make a reasonable attempt to notify the emergency contact person. In the event of the death of a driver or passenger, law enforcement must coordinate the next-of-kin notification with the coroner or medical examiner and ensure that notification is made only after positive victim identification is confirmed.

The bill also contains various privacy provisions, including: 1) prohibiting information from the Registry from being released for the purposes of determining legal presence; 2) limiting the circumstances under which the DMV may grant access to the Registry information of a registrant; 3) requiring the DMV to disclose to registrants who will have access to information contained in the Registry, as well as who will be notified in the case of an emergency; and 4) providing that those who have access to the Registry are not exempt from criminal or civil liability for willful misuse of the Registry.

Roll call on Senate Bill No. 3:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 3 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25.

Bill read third time.

Remarks by Senator Segerblom.

Senate Bill No. 25 makes various changes to the administrative practices of Nevada's Department of Education. Among its provisions, Senate Bill No. 25: revises the manner in which distance education courses are funded; changes the Department's budget submission process to reflect its statutory governance structure; allows the parties to a hearing concerning the suspension or revocation of a teaching license to agree to extend the hearing deadline date; and authorizes Education Trust Account expenditures by the Interim Finance Committee when the Legislature is not in Session.

This measure also requires the Council to Establish Academic Standards to create standards for foreign and world languages; with limited exceptions, prohibits a person serving in an elected office of this State, or a political subdivision thereof, from also serving on the State Board of Education; and makes a variety of other administrative revisions. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 25:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 25 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:31 p.m.

SENATE IN SESSION

At 12:33 p.m.

President Hutchison presiding.

Quorum present.

Senate Bill No. 43

Bill read third time.

Remarks by Senators Farley and Roberson.

SENATOR FARLEY:

Senate Bill No. 43 requires the driver of a bus carrying passengers or a vehicle containing hazardous materials to stop before crossing at grade any railroad tracks. The bill also makes it unlawful for the driver of any vehicle to fail to completely cross railroad tracks without stopping due to insufficient: 1) space on the opposite side of the railroad crossing; or 2) undercarriage clearance. This bill is effective on October 1, 2015.

SENATOR ROBERSON:

Thank you, Mr. President. I am not opposed to this bill, but I am curious. Do we really need to tell people to stop before driving across railroad tracks? It seems like common sense to me. This is not Senator Farley's bill. I believe it is the DMV's bill, but I am curious why we need to be putting into law the fact a person should stop before a train comes. It seems common sense to me.

SENATOR FARLEY:

I have a real answer to that, and I invite the Chair to stand up and join me in this. Yes, we heard from the trucking and bus industries and citizens in the rural areas about how many accidents happen, and it was shocking to me. People are not stopping and their cars are getting caught. I was stunned by the data and the information that came out in that meeting, so absolutely, we need it.

SENATOR ROBERSON:

Thank you, Mr. President. Given the excellent explanation by my esteemed colleague from Senate District No. 8, I will support the bill.

Roll call on Senate Bill No. 43:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 121.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 121 allows a person to request personalized prestige license plates instead of special "classic rod" or "classic vehicle" license plates when registering a vehicle as a "classic rod" or "classic vehicle."

Roll call on Senate Bill No. 121:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 121 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 263 basically expands existing exemptions from driving on a sidewalk to include an electric vehicle designed to travel on three wheels, if the vehicle is operated: 1) as an authorized emergency vehicle; 2) by an officer or other authorized employee of a law enforcement agency; or 3) by a security guard. Each board of county commissioners may enact an ordinance regulating the time, place and manner of the operation of such a vehicle operated by a security guard, including prohibiting the use of such a vehicle in specific areas of the county.

Roll call on Senate Bill No. 263:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 263 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 271.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 271 provides that: 1) the Virgin Valley Water District may issue a letter that commits the District to supply water service to a particular property subject to certain conditions precedent; and 2) such a letter must be renewed on an annual basis, subject to a reasonable fee, or the letter will expire. The District will not refund any fees paid by, return any water rights dedicated to, or pay any expenses of the holder associated with the construction and dedication of any infrastructure if the holder of such a letter fails to meet any condition precedent included in the letter or if the letter expires. The bill makes the requirement for the renewal of such letters apply retroactively to any letter issued before July 1, 2015. Further, the bill deletes a provision in current law prohibiting the District from requiring the holder of such a letter to pay an annual renewal fee or be subject to any other condition unless the fee or condition is expressly stated in the letter. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 271:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 271 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 281.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 281 removes from regulation as solid waste any vehicle owned by a licensed automobile wrecker or licensed salvage pool and designated for dismantling as a source for parts. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 281:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 281 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 322.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 322 requires disclosures for written electioneering communications which are no larger than 24 inches by 36 inches to be printed in at least 12-point font. For printed materials larger than 24 inches by 36 inches, but smaller than 48 inches by 72 inches, the disclosure must be printed in 24-point font. Such materials larger than 48 inches by 72 inches must include a disclosure in a least 48-point font. Finally, Senate Bill No. 322 authorizes the Secretary of State to set larger font sizes by regulation, if necessary. This measure becomes effective October 1, 2015.

Roll call on Senate Bill No. 322:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 322 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 376.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 376 provides that any decision or action by the Nevada Transportation Authority (NTA), which has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated carrier to operate in Nevada, or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier, is a final decision and may be appealed directly to a court of competent jurisdiction for judicial review.

In addition, any person who is aggrieved by a final decision of the Taxicab Authority is entitled to a judicial review, rather than requiring the aggrieved person to appeal to the NTA. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 376:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 376 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 505.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 505 is an important piece of legislation to try to shore up our ending fund balance for the current fiscal year that provides for a state agency premium holiday by requiring a participating state agency only pay the Public Employee Benefits' Program Active Employee Group Insurance Subsidy (AEGIS) assessment for the first ten months of Fiscal Year 2014-15. The premium holiday applies to each department, commission, board, bureau or other agency of the Executive, Legislative and Judicial Departments of State Government, including, without limitation, the Public Employees' Retirement System and the Nevada System of Higher Education.

Senate Bill No. 505, introduced on behalf of the Department of Administration, is part of the Department of Administration's strategy to address the FY 2015 ending fund balance shortfall. The premium holiday is projected to save \$18.3 million in General Funds and \$5 million in Highway Funds. While approving this bill will require an FY 2016 AEGIS assessment greater than would otherwise be needed, increased funding for FY 2016 is included in the Executive Budget as presented by the Governor.

Although a corresponding premium holiday is not provided for active State employees in this bill, Senate Bill No. 505 specifically provides that State employees must not be required to pay the portion of the cost of the premiums and contributions that would have otherwise been paid by their State employers during the two months of the State agency AEGIS premium holiday.

Roll call on Senate Bill No. 505:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 505 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 82.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 82 revises the names of existing financial accounts used by the Department of Wildlife. The Wildlife Fund Account in the State General Fund is renamed the Wildlife Account and the Wildlife Heritage Trust Account is renamed the Wildlife Heritage Account. The bill reinstates statutes that were repealed in 2011 addressing the deposit and expenditure of money received from the sale of trout stamps. The bill also makes language on permissible uses of wildlife accounts consistent within Title 45 of *Nevada Revised Statutes*.

The bill is effective on July 1, 2015, except for the section related to the Carson Lake Pasture, which takes effect upon conveyance of the property to the State.

Roll call on Assembly Bill No. 82:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 82 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165.

Bill read third time.

Remarks by Senators Kieckhefer, Ford, Denis, Roberson, Segerblom and Spearman.

SENATOR KIECKHEFER:

Thank you, Mr. President. Assembly Bill No. 165, establishes the Nevada Education Choice Scholarship Program. The measure authorizes the formation of scholarship organizations to provide grants for pupils of low-income families for attendance at schools of their own choice in Nevada, including private schools. The organization may not own or operate any school, and it must be a 501(c)(3) tax exempt organization pursuant to the Internal Revenue Code. The organization must not spend more than five percent of the money it receives for administrative costs, nor may it limit grants to a single school or to specific pupils. The sources of scholarship funds collected by the organization may come from gifts, grants and donations.

The grant provided on behalf of a pupil must not exceed \$7,755 for FY 2016, and the maximum grant amount must be adjusted each year in accordance with changes to the Consumer Price Index. Schools receiving such grants must maintain records of each pupil's academic progress in such a manner that the information may be aggregated and reported to Nevada's Department of Education.

The bill provides for a tax credit against the modified business tax and establishes a process for a taxpayer who intends to donate to a scholarship to request approval for the credit from the Department of Taxation. In addition, Assembly Bill No. 165 establishes a process that the Department of Taxation must follow to approve or deny applications for the tax credit. The total credits approved may not exceed \$5 million for FY 2016, \$5.5 million for FY 2017, and for each fiscal year thereafter, 110 percent of the amount authorized for the immediately preceding fiscal year.

The bill is effective upon passage and approval. This is an important piece of legislation as we offer parents more control over the education of their children and a greater and stronger voice in how their children are educated. I urge this Body to vote in the affirmative.

SENATOR FORD:

Thank you, Mr. President. Unfortunately, I must rise in opposition to Assembly Bill No. 165. While I appreciate, understand and acknowledge the Governor's effort in this regard, which as I understand it is to help lower-income families or to provide lower-income families with more school choice and allow them the opportunity to pursue private school education, I do not believe this bill is tailored sufficiently in order to accomplish that. Specifically, the bill in its current form has a threshold of a poverty rate that is well above what is capable of ensuring that lower income students are those who will be able to take advantage of this. It means essentially that it serves as a tax break for wealthier families as opposed to an opportunity for lower-income families to attend private schools. If we want to effectively target lower-income students, as I indicated during the Committee meeting, we should not be looking at a 300-percent poverty threshold, we should be looking at, for example, a 185-percent poverty threshold. That is testimony that came from someone who testified in support of the bill, based on the Florida statute on which this bill is modeled. Ultimately, at a 300-percent poverty level, we are looking at wealthier families being able to take more advantage of this rather than the lower-income students. That is one of the issues I have with the bill. In addition, in my view, it is diverting funds that would have otherwise gone to our General Fund to provide for public school education and allowing that money to go into the coffers of private, sectarian schools. That to me as well is offensive in this regard. Unfortunately, I must rise in opposition to this bill. I suggest my colleagues likewise oppose it. Thank you, Mr. President.

SENATOR DENIS:

I agree with the previous comments. I also am for giving parents the opportunity to make choices for education, however, this particular bill, Assembly Bill No. 165, went to the Revenue and Economic Development Committee for a reason, the reason it went there is because it is really a tax abatement bill. We have the opportunity, today, to offer scholarships to allow students choices to go to private schools. My question is why do they need a tax break to be able to offer these opportunities? If individuals and companies want to offer opportunities, they have always had that option and many of them have done that. For that reason, I believe this takes money away from the public education system we are consistently underfunding, and yet, we are providing more and more opportunities and choices for parents as we go along. I will be opposing this bill. Thank you, Mr. President.

SENATOR ROBERSON:

Thank you, Mr. President. In response to my esteemed colleague from Senate District No. 11, I would say this bill, Assembly Bill No. 165, provides the opportunity for children who live in families who make up to three times the poverty level. For instance, a single mother with two children making \$60,000 would be the top end of the eligibility. That is not wealthy. I take issue with the assertion this would help wealthy parents; it would not.

Regarding the issue of taking money from public education, there is a bill sitting on the Secretary's desk right now, Senate Bill No. 252, which greatly increases funding for public education. As soon as some of my colleagues, who are holding out voting on the bill, are ready to fund public education—I know I am—we can move that; we could move it today.

SENATOR SEGERBLOM:

Thank you, Mr. President. Let us be serious about this. Assembly Bill No. 165 is really so Sheldon Adelson can provide scholarships to people that he wants to go to his school. If he wants to pay more taxes so he can subsidize more people to go to his school, that is fine, but why should we give him a tax break to send people to go to his school? The reality is, he makes a ton of money and ought to be paying taxes that he is not paying, and I do not want to give him another tax break.

SENATOR KIECKHEFER:

I respectfully respond to my colleague from Senate District No. 3 that Assembly Bill No. 165 specifically prohibits any scholarship organization from having a connection with a specific school or owning a specific school. There cannot be a direct relationship such as that. A scholarship organization also cannot limit which schools a student may attend. I would like to reinforce the statements of the Majority Leader in response to the Minority Leader, that this bill is giving tax breaks to help the wealthy is just a misunderstanding of what constitutes wealthy. If 300 percent of the poverty level represents kids coming out of wealthy families, I think we need to reevaluate where we are standing. Thank you, Mr. President.

SENATOR SPEARMAN:

Thank you, Mr. President. I would like to say Senate Bill No. 252 is not the only revenue bill that will adequately fund education; Senate Bill No. 378 is still stuck in the Revenue and Economic Development Committee as well.

Roll call on Assembly Bill No. 165:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

Assembly Bill No. 165 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 7, 2015

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

MARK KRMPOTIC
Fiscal Analysis Division

GUESTS EXTENDED PRIVILEGE OF THE SENATE FLOOR

On request of Senator Roberson, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Michael Schneider.

On request of Senator Segerblom, the privilege of the floor of the Senate Chamber for this day was extended to Larissa Hansan and Hannah Matuzak.

Senator Roberson moved that the Senate adjourn until Wednesday, April 8, 2015, at 11:00 a.m.

Senate adjourned at 1:01 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate