

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 15, 2015

Senate called to order at 2:07 p.m.

President pro Tempore Hardy presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O' Thou Great Architect of the Universe, who, by the revelation of Your Son, our Lord, we may address You as our Father; help us to understand what that means. As we are now united in our praying, so may we be united in our working, that, as a team, we may be doing together the will of our Father, who is not a God of any one part, of any one nation or of any one race.

Open our eyes that we may discern what God is doing and our ears that we may hear what God is saying. And then, O' God, give us all we need to take due notice and to govern ourselves accordingly.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES A. SETTELMAYER, *Chair*

Mr. President pro Tempore:

Your Committee on Education, to which was referred Assembly Bill No. 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BECKY HARRIS, *Chair*

Mr. President pro Tempore:

Your Committee on Finance, to which was re-referred Senate Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President pro Tempore:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 172, 363, 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 pro Tempore:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 92, 140, 141, 362, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 291, 296; Assembly Bills Nos. 67, 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GREG BROWER, *Chair*

Mr. President pro Tempore:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 17, 32, 57, 116, 366, 391, 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL ROBERSON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 14, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 9, 96, 124, 131, 135, 147, 186, 191, 212.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 442, 467, 468.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 312, Amendment No. 681, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

Waiver requested by Senator Roberson.

For: Senate Bill No. 440.

To Waive:

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

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

Has been granted effective: Friday, May 15, 2015.

MICHAEL ROBERSON

Senate Majority Leader

JOHN HAMBRICK

Speaker of the Assembly

Waiver requested by Senator Roberson.

For: Assembly Bill No. 356.

To Waive:

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

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

Has been granted effective: Friday, May 15, 2015.

MICHAEL ROBERSON

Senate Majority Leader

JOHN HAMBRICK

Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 442.

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

Motion carried.

Assembly Bill No. 467.

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

Motion carried.

Assembly Bill No. 468.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 89.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 685.

SUMMARY—Revises provisions relating to governmental financial administration. (BDR 32-1182)

AN ACT relating to governmental financial administration; revising provisions governing the rate of the payroll tax imposed on certain businesses engaged in mining in this State; revising provisions governing the rate and distribution of the excise tax on cigarettes; extending the prospective expiration of certain requirements regarding the advance payment and computation of the tax on the net proceeds from certain mining operations conducted in this State; removing the prospective expiration of certain requirements regarding the imposition of the local school support tax; temporarily extending the allocation of a portion of the proceeds of the basic governmental services tax to the State General Fund; requiring businesses to provide additional information in an application for the issuance or renewal of a state business license that is submitted during a specified period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax on certain financial institutions at a rate of 2 percent of the total wages paid by the financial institution each calendar quarter. (NRS 363A.130) Sections 1 and 2 of this bill require businesses that are subject to the tax on the net proceeds of mining to pay the tax on the wages paid by the business at the same rate as the rate paid by financial institutions under existing law.

Existing law imposes an excise tax on certain businesses other than financial institutions at the rate of 1.17 percent of the total wages paid by the business each calendar quarter that exceed \$85,000. (NRS 363B.110) On July 1, 2015, this rate is scheduled to change to 0.63 percent of the total wages paid by the business each calendar quarter. (Chapter 476, Statutes of

Nevada 2011, pp. 2891, 2898, as last amended by chapter 518, Statutes of Nevada 2013, p. 3427; chapter 518, Statutes of Nevada 2013, p. 3424) Sections 10 and 12-14 of this bill remove this scheduled rate change and permanently provide for the imposition of the tax at the rate of 1.17 percent of the total wages paid by the business each calendar quarter in excess of \$85,000.

Existing law imposes an excise tax on the purchase, possession or use of cigarettes at the rate of 80 cents per pack of 20 cigarettes. (NRS 370.165, 370.350) Under existing law, the Department of Taxation must remit 70 cents of the tax on each pack of 20 cigarettes, less the costs of collecting the tax, to the State Treasurer for deposit in the Account for the Tax on Cigarettes in the State General Fund, and the remaining amount of the tax must be deposited in the Local Government Tax Distribution Account for distribution to local governments. (NRS 370.260) Sections 3-5 of this bill increase the excise tax on cigarettes to ~~[\$1.20]~~ \$1.80 per pack of 20 cigarettes and require the additional amount of tax to be deposited in the Account in the State General Fund. Section 16 of this bill requires a wholesale dealer who purchases a revenue stamp evidencing payment of the tax before July 1, 2015, but who has not affixed that stamp to a pack of cigarettes before that date to pay the additional tax on the stamp.

Existing law requires, until June 30, 2015, the advance payment of the tax on the net proceeds of minerals based upon the estimated net proceeds and royalties of a mining operation for the current calendar year. (Chapter 4, Statutes of Nevada 2008, 25th Special Session, p. 14, as last amended by chapter 518, Statutes of Nevada 2013, p. 3425) Section 6 of this bill delays the expiration of this requirement for advance payment until June 30, 2016, and section 11 of this bill makes conforming changes to related transitory provisions governing the duties of the Department of Taxation in 2017 and the appropriation and apportionment of money to counties and other local governments during that year.

Existing law provides that effective January 1, 2016, in computing the net proceeds from certain mining operations conducted in this State, a person may deduct certain amounts expended for health care for employees actually engaged in mining operations in this State. (Chapter 449, Statutes of Nevada 2011, p. 2690, as amended by chapter 518, Statutes of Nevada 2013, p. 3426) Section 9 of this bill extends to January 1, 2017, the effective date of this deduction. Section 8 of this bill makes conforming changes to transitory provisions governing the computation of the proceeds from certain mining operations for calendar years 2016 and 2017 and all subsequent calendar years.

Existing law requires, until June 30, 2015, an increase in the rate of the Local School Support Tax of 0.35 percent. (Chapter 395, Statutes of Nevada 2009, pp. 2191-93, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) Section 7 of this bill removes the expiration date of this rate thereby requiring the payment of this rate indefinitely.

The State of Nevada imposes a governmental services tax for the privilege of operating any vehicle upon the public highways of this State. (NRS 371.030) The annual amount of the basic governmental services tax is 4 cents on each \$1 of valuation of the vehicle, as determined by the Department of Motor Vehicles. (NRS 371.040) Existing law sets forth depreciation schedules for determining the amount of the basic governmental services tax due each year for used vehicles and establishes a minimum tax. (NRS 371.060) In 2009, the amount of the basic governmental services tax due annually was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax. The revenue from these increases in the basic governmental services tax were allocated to the State General Fund until June 30, 2015, and then were required to be deposited in the State Highway Fund thereafter. (Chapter 395, Statutes of Nevada 2009, p. 2188, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) Section 7 of this bill extends for an additional 2 years the period during which the increases in the basic governmental services tax are allocated to the State General Fund. Therefore, those increases will be deposited in the State Highway Fund commencing on July 1, 2017.

Section 14.5 of this bill requires a person who, on or after October 1, 2015, and before October 1, 2016, applies for the issuance or renewal of a state business license to include in the application certain information concerning the revenue earned by that person from the sale of services used in this State.

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

Section 1. NRS 363A.030 is hereby amended to read as follows:

363A.030 ~~["Employer"]~~

1. *Except as otherwise provided in this section, "employer" means any ~~financial~~:*

(a) *Financial institution who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the financial institution. ~~except~~*

(b) *Person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person.*

2. *The term does not include an Indian tribe, a nonprofit organization or a political subdivision.*

3. For the purposes of this section:

~~1.~~ (a) "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~2.~~ (b) "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. 501(c).

~~{3-}~~ (c) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 2. NRS 363B.030 is hereby amended to read as follows:

363B.030 ~~["Employer"]~~

1. *Except as otherwise provided in this section, "employer" means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the employer . ~~Except a]~~*

2. *The term does not include:*

(a) *A financial institution ~~[, an]~~;*

(b) *Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;*

(c) *An Indian tribe ~~[, a]~~;*

(d) *A nonprofit organization ~~[, a]~~;*

(e) *A political subdivision ; or ~~[any]~~*

(f) *Any person who does not supply a product or service, but who only consumes a service.*

3. For the purposes of this section:

~~{1-}~~ (a) "Financial institution" has the meaning ascribed to it in NRS 363A.050.

~~{2-}~~ (b) "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~{3-}~~ (c) "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. 501(c).

~~{4-}~~ (d) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 3. NRS 370.165 is hereby amended to read as follows:

370.165 There is hereby levied a tax upon the purchase or possession of cigarettes by a consumer in the State of Nevada at the rate of ~~{40-60}~~ 90 mills per cigarette. The tax may be represented and precollected by the affixing of a revenue stamp or other approved evidence of payment to each package, packet or container in which cigarettes are sold. The tax must be precollected by the wholesale or retail dealer, and must be recovered from the consumer by adding the amount of the tax to the selling price. Each person who sells cigarettes at retail shall prominently display on the premises a notice that the tax is included in the selling price and is payable under the provisions of this chapter.

Sec. 4. NRS 370.260 is hereby amended to read as follows:

370.260 1. All taxes and license fees imposed by the provisions of NRS 370.001 to 370.430, inclusive, less any refunds granted as provided by

law, must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall:

(a) As compensation to the State for the costs of collecting the taxes and license fees, transmit each month the sum the Legislature specifies from the remittances made to it pursuant to subsection 1 during the preceding month to the State Treasurer for deposit to the credit of the Department. The deposited money must be expended by the Department in accordance with its work program.

(b) From the remittances made to it pursuant to subsection 1 during the preceding month, less the amount transmitted pursuant to paragraph (a), transmit each month the portion of the tax which is equivalent to ~~{35-55}~~ 85 mills per cigarette to the State Treasurer for deposit to the credit of the Account for the Tax on Cigarettes in the State General Fund.

(c) Transmit the balance of the payments each month to the State Treasurer for deposit in the Local Government Tax Distribution Account created by NRS 360.660.

(d) Report to the State Controller monthly the amount of collections.

3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local Government Tax Distribution Account is hereby appropriated to Carson City and to each of the counties in proportion to their respective populations and must be credited to the respective accounts of Carson City and each county.

Sec. 5. NRS 370.350 is hereby amended to read as follows:

370.350 1. Except as otherwise provided in subsection 3, a tax is hereby levied and imposed upon the use of cigarettes in this state.

2. The amount of the use tax is ~~{40-60}~~ 90 mills per cigarette.

3. The use tax does not apply where:

(a) Nevada cigarette revenue stamps have been affixed to cigarette packages as required by law.

(b) Tax exemption is provided for in this chapter.

Sec. 6. Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, as last amended by chapter 518, Statutes of Nevada 2013, at page 3425, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009.

3. Sections 4 and 6 to 12, inclusive, of this act expire by limitation on June 30, 2009.

4. Sections 1, 3, 5 and 13 of this act become effective on July 1, 2009.

5. Sections 1, 2, 3 and 5 of this act expire by limitation on June 30, ~~{2015}~~ 2016.

Sec. 7. Section 20 of chapter 395, Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2009.

3. Section 3 of this act becomes effective on July 1, 2009, and expires by limitation on June 30, 2011.

4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009. ~~[and expire by limitation on June 30, 2015.]~~

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2009, for all other purposes.

6. Sections 15.5 and 18.5 of this act become effective on July 1, ~~[2015.]~~ 2017.

7. Section 18 of this act expires by limitation on June 30, ~~[2015.]~~ 2017.

Sec. 8. Section 17.5 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3426, is hereby amended to read as follows:

Sec. 17.5. The amendatory provisions of section 12.7 of this act:

1. Do not apply to or affect any determination of gross yield or net proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[2015.]~~ 2016.

2. Apply for the purposes of estimating and determining gross yield and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[2016]~~ 2017 and each calendar year thereafter.

Sec. 9. Section 19 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 19. 1. This section and sections 1 to 12, inclusive, and 13 to 18, inclusive, of this act become effective upon passage and approval.

2. Section 12.5 of this act becomes effective on January 1, 2012.

3. Section 12.7 of this act becomes effective on January 1, ~~[2016.]~~ 2017.

Sec. 10. Section 13 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 13. The amendatory provisions of section 4 of this act ~~[~~

~~1.—Do]~~ do not apply to any taxes due for any period ending on or before June 30, 2011. ~~[and~~

~~2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 17 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, 2015.~~

Sec. 11. Section 15 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 15. 1. When preparing its certificate of the tax due from a taxpayer pursuant to NRS 362.130 during the calendar year ~~{2016,}~~ 2017, the Department of Taxation shall reduce the amount of the tax due from the taxpayer by the amount of:

(a) Any estimated payments of the tax made by or on behalf of the taxpayer during the calendar year ~~{2015,}~~ 2016 pursuant to NRS 362.115, as that section read on January 1, ~~{2015,}~~ 2016; and

(b) Any unused credit to which the taxpayer may be entitled as a result of any previous overpayment of the tax.

2. Notwithstanding any provision of NRS 362.170 to the contrary:

(a) The amount appropriated to each county pursuant to that section for distribution to the county during the calendar year ~~{2016,}~~ 2017 must be reduced by the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year ~~{2015,}~~ 2016, excluding any portion of the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year ~~{2015,}~~ 2016 which is attributable to a pro rata share of any penalties and interest collected by the Department of Taxation for the late payment of taxes distributed to the county.

(b) In calculating the amount required to be apportioned to each local government or other local entity pursuant to subsection 2 of that section for the calendar year ~~{2016,}~~ 2017, the county treasurer shall reduce the amount required to be determined pursuant to paragraph (a) of that subsection for that calendar year by the amount determined pursuant to that paragraph for the calendar year ~~{2015,}~~ 2016.

Sec. 12. Section 17 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 17. 1. This section and sections 1 and 7 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 4.5 and 6 of this act become effective on July 1, 2011.

3. Sections 4 and 6.5 of this act become effective on July 1, 2011 .
~~{, and expire by limitation on June 30, 2015.}~~

4. Section 5 of this act becomes effective on the date that the balance of the separate account required by subsection 8 of NRS 408.235 is reduced to zero.

Sec. 13. Section 11 of chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 11. The amendatory provisions of section 1 of this act ~~[-~~

~~1. Do] do not apply to any taxes due for any period ending on or before June 30, 2013. [- and~~

~~2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 12 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, 2015.]~~

Sec. 14. Section 12 of chapter 518, Statutes of Nevada 2013, at page 3428, is hereby amended to read as follows:

Sec. 12. ~~[-]~~ This act becomes effective upon passage and approval.

~~[2. Section 1 of this act expires by limitation on June 30, 2015.]~~

Sec. 14.5. 1. In addition to the information required by law to be included in an application for the issuance or renewal of a state business license, each application for the issuance or renewal of a state business license submitted on or after October 1, 2015, and before October 1, 2016, must include the following information:

(a) The total dollar amount of revenue earned by each business conducted by the applicant during the immediately preceding federal tax year of the business from the sale of services used in this State or, if the applicant conducted no business in this State during the immediately preceding federal tax year, an estimate of the total dollar amount of revenue that the applicant will earn from the sale of services used in this State during the 12 month period commencing with the date the application is submitted.

(b) The industry in which each business conducted by the applicant is primarily engaged.

2. The agency responsible for administering the state business license shall collect the information required by subsection 1 in the manner that is least burdensome for the businesses required to submit such information.

3. Upon request, the agency responsible for administering the state business license shall provide the information collected pursuant to subsection 1 to the Fiscal Analysis Division of the Legislative Counsel Bureau and the Department of Taxation.

4. The Fiscal Analysis Division and the Department of Taxation may analyze the information obtained pursuant to subsection 3 and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the agency responsible for administering the state business license pursuant to subsection 3. Any written report based on the information obtained pursuant to subsection 3 may include only aggregate information for statistical purposes and must exclude any identifying information related to a particular person or business.

5. Except as otherwise provided in subsections 3 and 4:

(a) If the information collected pursuant to subsection 1 is collected by the Secretary of State, the provisions of NRS 76.160 apply to the information.

(b) If the information collected pursuant to subsection 1 is collected by the Department of Taxation, the provisions of NRS 360.255 apply to the information.

(c) Any information obtained by the Fiscal Analysis Division pursuant to subsection 3 shall be deemed a work product that is confidential pursuant to NRS 218F.150.

6. As used in this section, "federal tax year" means any period of 12 months for which a person is required to report income, tax deductions and tax credits pursuant to the provisions of the Internal Revenue Code and any regulations adopted pursuant thereto.

Sec. 15. The amendatory provisions of sections 1 and 2 of this act do not apply to taxes due for any period ending on or before June 30, 2015.

Sec. 16. 1. The amendatory provisions of sections 3 and 5 of this act apply to cigarettes to which a stamp is affixed on or after July 1, 2015, regardless of the date on which a wholesale dealer purchased the stamp from the Department of Taxation.

2. As used in this section:

(a) "Stamp" has the meaning ascribed to it in NRS 370.048.

(b) "Wholesale dealer" has the meaning ascribed to it in NRS 370.055.

Sec. 17. 1. This section and sections 6 to 14, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 15 and 16 of this act become effective on July 1, 2015.

3. Section 14.5 of this act becomes effective:

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

(b) On October 1, 2015, for all other purposes.

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Amendment No. 685 to Senate Bill No. 483 makes two changes to the bill. First, the amendment changes the cigarette tax rate proposed in the bill from 60 mills to 90 mills per cigarette, which results in an increase of \$1.00 per pack of 20 cigarettes, rather than the increase of 40 cents per pack based on the bill as introduced. Second, the amendment requires each application for a state business license that is submitted between October 1, 2015, and October 1, 2016, to include the following information: the amount of revenue earned by each business conducted by the applicant during the immediately preceding federal tax year from the sale of services used in Nevada, or if the applicant did not conduct business in Nevada during the immediately preceding federal tax year, an estimate of the revenue that the applicant will earn from the sale of services used in Nevada during the 12-month period commencing with the date the application is submitted; and the industry in which each business conducted by the applicant is primarily engaged.

Amendment adopted.

Senator Roberson moved that all necessary rules be suspended, that reading had considered second reading, rules further suspended, that Senate Bill No. 483 be declared an emergency measure under the Constitution, that

the reprinting of the bill be dispensed with, that the Secretary be authorized to insert Amendment No. 685 adopted by the Senate, and that the bill be placed on the General File.

Motion carried.

Assembly Bill No. 54.

Bill read second time and ordered to third reading.

Assembly Bill No. 106.

Bill read second time and ordered to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 711.

SUMMARY—Revises provisions governing restitution. (BDR 14-560)

AN ACT relating to restitution; providing that a judgment requiring the payment of restitution ~~[expires 10 years after the date on which the judgment is rendered.]~~ does not expire until it is satisfied; exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof; ~~[until the judgment expires;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action or a parent or guardian of a child to pay restitution ~~[expires 10 years after the date on which the judgment is rendered.]~~ does not expire until it is satisfied; and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof. ~~[until the judgment expires.]~~

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

Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 *1.* A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:

(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.

(b) ~~[Expires 10 years after the date on which]~~ Does not expire until the judgment is ~~rendered.~~ satisfied.

3. *An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time ~~before the judgment expires~~.*

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

- (a) Has fulfilled the conditions of probation for the entire period thereof;
 - (b) Is recommended for earlier discharge by the Division; or
 - (c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,
- ↪ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge ~~and is enforceable pursuant to NRS 176.275.~~

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

- (a) Is free from the terms and conditions of probation.
- (b) Is immediately restored to the following civil rights:
 - (1) The right to vote; and
 - (2) The right to serve as a juror in a civil action.
- (c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.
- (d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
- (e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.
- (f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.
- (g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.
- (h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.
- (i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

- (a) Of a category A felony.
- (b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➔ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➔ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;
2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,
 ↪ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution ~~[,]~~ *which is enforceable pursuant to NRS 176.275*, but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:
 - (a) ~~[An]~~ *Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.*
 - (b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.
2. Within 4 years:
 - (a) An action on an open account for goods, wares and merchandise sold and delivered.
 - (b) An action for any article charged on an account in a store.
 - (c) An action upon a contract, obligation or liability not founded upon an instrument in writing.
 - (d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.
3. Within 3 years:
 - (a) An action upon a liability created by statute, other than a penalty or forfeiture.
 - (b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.
 - (c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays

or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by

the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. *A judgment which requires a parent or guardian of a child to pay restitution ~~expires 10 years after the date on which~~ does not expire until the judgment is ~~rendered~~ satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time ~~before the judgment expires.~~*

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than \$100, if the amount of the judgment is less than \$2,000.

(b) Not more than \$500, if the amount of the judgment is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is \$5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime

before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge ~~and is enforceable pursuant to NRS 176.275.~~

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 711 to Assembly Bill No. 114 simply revises the bill to provide that an order for restitution does not expire until it is satisfied.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time and ordered to third reading.

Assembly Bill No. 162.

Bill read second time and ordered to third reading.

Assembly Bill No. 176.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time and ordered to third reading.

Assembly Bill No. 204.

Bill read second time and ordered to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 734.

SUMMARY—Provides an enhanced penalty for committing certain repeat graffiti offenses. (BDR 15-736)

AN ACT relating to crimes; providing an enhanced penalty for committing certain repeat offenses of placing graffiti on or otherwise defacing certain property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who unlawfully places graffiti on or otherwise defaces the public or private property of another without the permission of the owner is guilty of a misdemeanor, gross misdemeanor or felony, depending on the value of the loss of the property. (NRS 206.330) This bill provides that if a person has previously been convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and the person commits another such violation, regardless of the value of the loss, the person is guilty of a category ~~C~~ D felony.

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

Section 1. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than \$250, is guilty of a misdemeanor.

(b) Where the value of the loss is \$250 or more but less than \$5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is \$5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category D felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

2. *Unless a greater penalty is provided by a specific statute, a person who has previously been convicted of a violation of subsection 1:*

(a) *Two or more times; or*

(b) *That was punished as a felony,*

↪ *and who violates subsection 1, regardless of the value of the loss, is guilty of a category ~~C~~ D felony and shall be punished as provided in NRS 193.130.*

~~{2}~~ 3. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty prescribed in subsection 1, but only if the value of the loss when aggregated is \$500 or more.

~~{3}~~ 4. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, pay a fine of not less than \$400 but not more than \$1,000 and perform 100 hours of community service.

(b) For the second offense, pay a fine of not less than \$750 but not more than \$1,000 and perform 200 hours of community service.

(c) For the third and each subsequent offense:

(1) Pay a fine of \$1,000; and

(2) Perform up to 300 hours of community service for up to 1 year, as determined by the court. The court may order the person to repair, replace, clean up or keep free of graffiti the property damaged or destroyed by the person or, if it is not practicable for the person to repair, replace, clean up or keep free of graffiti that specific property, the court may order the person to repair, replace, clean up or keep free of graffiti another specified property.

↪ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

~~{4}~~ 5. The court may, in addition to any other fine or penalty imposed, order a person who violates subsection 1 to pay restitution.

~~{5}~~ 6. The parent or legal guardian of a person under 18 years of age who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

~~{6}~~ 7. If a person who is 18 years of age or older is found guilty of violating this section, the court shall, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years. The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court shall issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

~~{7}~~ 8. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

~~{8-}~~ 9. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to this section or another statute for the same conduct.

~~{9-}~~ 10. As used in this section:

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Protected site" means:

(1) Any site, landmark, monument, building or structure of historical significance pertaining to the history of the settlement of Nevada;

(2) Any site, building, structure, object or district listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources;

(3) Any site, building, structure, object or district listed in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places;

(4) Any site, building, structure, object or district that is more than 50 years old and is located in a municipal or state park;

(5) Any Indian campgrounds, shelters, petroglyphs, pictographs and burials; or

(6) Any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

(c) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 734 to Assembly Bill No. 244 changes the penalty for graffiti offenses addressed in the bill from a category C felony to a category D felony.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time and ordered to third reading.

Assembly Bill No. 268.

Bill read second time and ordered to third reading.

Assembly Bill No. 273.

Bill read second time and ordered to third reading.

Assembly Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 710.

SUMMARY—Prohibits a person from making or causing to be made certain nonemergency telephone calls under certain circumstances. (BDR 15-922)

AN ACT relating to crimes; prohibiting a person from making or causing to be made certain nonemergency telephone calls under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made any telephonic access to a system established to provide a telephone number to be used in an emergency if no actual or perceived emergency exists. (NRS 207.245) This bill similarly makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. This bill also makes it a category E felony for a person to commit either offense if the person intended to initiate an emergency response and the emergency response initiated by that person results in the death or serious bodily injury of another. This bill further provides that a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. Finally, this bill provides that ~~it is an affirmative defense to a violation~~ if a defendant who is charged pursuant to ~~with a violation of the provisions of this bill if it is proven by a preponderance of the evidence that the defendant~~ suffers from a mental illness or is intellectually disabled, ~~the court may, if appropriate, assign the defendant to a program for the treatment of mental illness or intellectual disabilities.~~

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

Section 1. NRS 207.245 is hereby amended to read as follows:

207.245 1. ~~As used in this section, "system" means a system established to provide a telephone number to be used in an emergency.~~

~~2.]~~ It is unlawful for any person knowingly or willfully to make or cause to be made ~~any~~ :

(a) Any telephonic access to a system ; or

(b) *A nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity,*

↳ if no actual or perceived emergency exists.

~~{3. Any}~~

2. *Except as otherwise provided in subsection 3, a person who violates any provision of this section is guilty of a gross misdemeanor.*

3. *A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130 if:*

(a) *The person intended to initiate an emergency response by law enforcement, firefighting, emergency medical care or public safety personnel when no actual emergency exists; and*

(b) *The emergency response initiated by the person results in the death or serious bodily injury of another.*

4. *A person who is convicted of a category E felony pursuant to subsection 3 is liable for any costs incurred by any governmental entity as a result of his or her conduct.*

5. ~~*It is an affirmative defense to a violation charged pursuant to this section if it is proven by a preponderance of the evidence that the*~~ *If a defendant who is charged with a violation of this section suffers from a mental illness or is intellectually disabled ~~f. 4~~, the court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to a program ~~of treatment~~ established pursuant to NRS 176A.250.*

6. *As used in this section:*

(a) *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage, or any other situation which is likely to cause a governmental entity to provide services related to law enforcement, firefighting, emergency medical care or public safety.*

(b) *"Governmental entity" means an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision.*

(c) *"System" means a system established to provide a telephone number to be used in an emergency.*

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 710 to Assembly Bill No. 287 provides that if a court finds that a defendant charged with a violation of the bill's provisions is suffering from a mental illness or intellectual disability, the court may assign the defendant to an appropriate treatment program.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time and ordered to third reading.

Assembly Bill No. 308.

Bill read second time and ordered to third reading.

Assembly Bill No. 324.

Bill read second time and ordered to third reading.

Assembly Bill No. 419.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 103 changes the definition of "financial institution" for the purposes of the Modified Business Tax (MBT) on financial institutions pursuant to chapter 363A of NRS, by excluding from that definition a person who is primarily engaged in the sale, solicitation or negotiation of insurance, therefore, making such a person subject to the MBT applicable to general businesses or nonfinancial institutions pursuant to chapter 363B of NRS. This bill also provides that the general Modified Business Tax is first applicable for the calendar quarter beginning after the effective date of this bill. Senate Bill No. 103 becomes effective upon passage and approval.

Mr. President pro Tempore, there were a bunch of folks who got wrapped up in the 2 percent MBT rate, unnecessarily due to a definition of one of the licenses that they hold. This clarifies which is something I think was done clearly in error.

Roll call on Senate Bill No. 103:

YEAS—21.

NAYS—None.

Senate Bill No. 103 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 230 removes the limitation on the amount of compensation that may be awarded to certain victims of crime, the dependents of those victims, and certain members of the victim's household. This act becomes effective on October 1, 2015.

Roll call on Senate Bill No. 230:

YEAS—21.

NAYS—None.

Senate Bill No. 230 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 328.

Bill read third time.

Remarks by Senator Farley.

Senate Bill No. 328 requires the Commissioner of Insurance to adopt regulations creating a standardized format for the online posting of drug formularies and to post links to certain drug formularies and other information on his or her Internet website. An insurer's Internet website must provide the ability to search formulary data by specific drug, if possible, and display consumer cost-sharing amounts in dollar ranges and plan tiers. If an insurer is not able to comply with these requirements, the insurer must display customer cost-sharing amounts in dollar ranges and plan tiers on the identification card of each insured. The measure requires certain public and private policies to make certain information regarding mental health services coverage and services available online. The Silver State Health Insurance Exchange must provide links on its Internet website to the drug formularies of qualified individual health insurance plans offered for sale through the Exchange.

This bill is effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks, and on July 1, 2016, for all other purposes. The Commissioner of Insurance must, for the 2017 plan year, adopt the regulations not later than February 1, 2016.

Roll call on Senate Bill No. 328:

YEAS—17.

NAYS—Kihuen, Segerblom, Spearman, Woodhouse—4.

Senate Bill No. 328 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 432.

Bill read third time.

Remarks by Senators Kieckhefer, Gustavson and Roberson.

SENATOR KIECKHEFER:

Senate Bill No. 432 provides for the distribution of money to public schools designated as Victory schools because they have high numbers of students living in poverty and are underperforming.

Designated schools are required to conduct a needs assessment and submit a comprehensive plan for approval by the Department of Education. A school district board of trustees or charter school governing body is required to submit a report concerning the programs and services provided by a Victory school.

The bill further outlines the instruction, programs and services that shall or may be provided by a Victory school and requires the Department to contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this bill. The State Board of Education must also require a Victory school demonstrating unsatisfactory student achievement and school performance to take corrective action and direct the Department to withhold funding if such performance continues.

The Legislative Committee on Education shall consider the Victory school reports and the evaluations of the independent evaluator and advise the State Board regarding any action the Committee determines appropriate. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular Session of the Legislature.

General Fund appropriations totaling \$24.9 million in FY 2016 and \$25.0 million in FY 2017

are included in The Executive Budget to fund this major budget initiative. That budget will close tomorrow in a joint hearing of the Senate Finance and the Assembly Ways and Means Committees.

Mr. President pro Tempore, this is a significant step forward for education in our State. This bill increases spending in targeted areas of need, particularly under-performing schools in high poverty areas. This is a key section of the Governor's education plan, and I urge your passage.

SENATOR GUSTAVSON:

Although I do agree with the Victory schools and I think they are doing a fantastic job, I have to rise in opposition to Senate Bill No. 432. To continue to pass bills that require the hiring of more qualified teachers and staff that are not available in Nevada or elsewhere to fill classrooms that we do not have is irresponsible. We currently have over 600 vacancies in Clark County and over 100 in Washoe County. Does this mean we will have to hire more substitutes to fill these positions? I would like my colleague from District 16 to answer that question please.

SENATOR KIECKHEFER:

My colleague from Sparks raises a good question, one we are struggling with, and that is the teacher shortage we have in this State. This is a national problem as well. This bill outlines a suite of services that can be provided for students in Victory schools. These include reduced class sizes, but they also include things that do not require the addition of more staff such as expanded school days, summer intersession academies, before school programs, reading centers and other programs that have proven to be effective in helping student advance their academic achievement without requiring they hire additional teachers. There is a teacher shortage throughout this State. He is accurate about that. I do not believe this bill will exacerbate that.

SENATOR ROBERSON:

Yes, there is a teacher shortage, and yes, both parties are working together to try to come up with a solution before the Session ends on addressing this shortage. This is not something we are ignoring. We know it is a problem, and we are trying to address it this Session.

Roll call on Senate Bill No. 432:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 432 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 434.

Bill read third time.

Remarks by Senators Brower, Gustavson and Segerblom.

SENATOR BROWER:

Senate Bill No. 434 provides that before a formalized statewide initiative and referendum petition is filed with the Secretary of State prior to circulating the petition for signatures. The proponent of the petition must, not earlier than 90 days before such filing, file with the Secretary of State a proposed petition signed by not less than 1,000 registered voters from any part of the State. The proposed petition must include the full text of the proposed measure and, on each signature page, a neutral summary of not more than 200 words describing the purpose of the proposed petition. The signatures on the proposed petition must be verified pursuant to existing petition signature verification requirements. The proponents must also file an informational statement along with the proposed petition that includes proponent contact information, the purpose of the proposed petition and any other information deemed necessary by the Secretary of State. This informational statement must be updated as the information contained therein changes.

The bill provides that once the proposed petition is filed, the Secretary of State shall assign a petition title and identifying number. The same title and identifying number shall be used for the

formalized petition, once it is filed. After the Secretary of State determines that the proposed petition is sufficient, the bill proponents must file with the Secretary of State a description of effect of the petition, and a copy of the proposed petition must be transmitted to the Office of the Attorney General. Any person wishing to bring a single-subject challenge against the proposed petition must do so within 15 working days after the petition is declared sufficient. Any future single-subject challenges are barred after this prescribed time.

Senate Bill No. 434 also provides that any person may file an objection to the proponent's description of effect not later than seven working days after that description is filed with the Secretary of State. Such an objection must explain how the description allegedly violates specific petition requirements. If the objection is filed, the parties may agree to meet and confer in good faith to negotiate a stipulated description of effect. However, if the parties fail to negotiate a stipulated description of effect, the Attorney General must file a complaint in the First Judicial District Court naming the proponent as the defendant and asking for a declaratory judgment regarding whether the proponent's description of effect violates statutory requirements. The District Court must conduct expedited proceedings and enter an order that approves or revises the proponent's description of effect. After the District Court enters its order, the proponent may file the petition, including the description of effect, with the Secretary of State to begin the process of qualifying the petition, as a formalized petition, for the ballot on or after the applicable date set forth in Article 19 of the *Nevada Constitution*.

Senate Bill No. 434 also requires the Secretary of State to prepare a handbook for initiative and referendum proponents and circulators. Finally, the bill clarifies the handling of competing measures on the ballot and requires that notice to the voters be provided on the ballot that only one of the differing or competing measures may be enacted into law. The bill is effective on July 1, 2015.

SENATOR GUSTAVSON:

I agree with the intent of this bill. There have been abuses regarding the petition process, but the right of the people to petition their government must be protected and not taken away one step at a time. Over the years I have been here, it seems almost every Session we are passing a bill to make it harder and harder for an individual to get a petition passed. I know, because I have been through the process more than once. There have been abuses, but those abuses must be dealt with, and this is not the way to accomplish that goal.

Senate Bill No. 434 is the next step in the process to take this right away from the people by making it more difficult for the people to use their petition process to protect themselves from bigger, more powerful and overreaching government. I urge a no vote on Senate Bill No. 434.

SENATOR SEGERBLOM:

It is not often I get to agree with my counterpart from Senate District 14, so I want to take this opportunity to say you are right.

Roll call on Senate Bill No. 434:

YEAS—12.

NAYS—Atkinson, Gustavson, Kihuen, Manendo, Parks, Segerblom, Smith, Spearman, Woodhouse—9.

Senate Bill No. 434 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 474.

Bill read third time.

Remarks by Senators Kieckhefer and Hammond.

SENATOR KIECKHEFER:

Senate Bill No. 474 creates the Great Teaching and Leading Fund in the State General Fund, to be administered by the Superintendent of Public Instruction. The State Board of Education

must annually prescribe program priorities for which grants may be awarded from the Fund, and certain public and private organizations are authorized to submit a grant application in response to the stated priorities. The measure further requires the State Board of Education limit grant awards of state funding to no more than 25 percent to any single entity in a fiscal year. Grants must be used to provide: professional development, preparation and peer assistance and review for teachers, administrators and other licensed education personnel; leadership training and development; and programs to recruit, select and retain effective teachers and principals.

This bill also requires entities that receive a grant of money for more than one year must provide an annual report to the State Superintendent of Public Instruction annually or within 120 days after the grant period ends for all other grantees.

Lastly, this bill requires the Superintendent, to the extent funding is available, to contract for an independent evaluation for the effectiveness of the grants made from the fund. General Fund appropriations totaling \$4.9 million in each year of the upcoming Biennium are included in the Executive Budget to support this major budget initiative. The bill is effective on passage and approval.

Mr. President pro Tempore, this is the bill that should help alleviate some of the concerns of my colleague from Senate District 14 regarding his previous comment. This is a new resource available to attract, train and retrain teachers that are desperately needed in this State. This is a bill to answer those concerns.

SENATOR HAMMOND:

I would like to say that when we heard this bill in Committee, I had some problems with it, specifically dealing with the RPD. I believe the good work by the Senator from District 16 and his colleagues in the Finance Committee alleviated a lot of those concerns, and I will be voting "yes" on this bill today.

Roll call on Senate Bill No. 474:

YEAS—21.

NAYS—None.

Senate Bill No. 474 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 501.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 501 revises provisions related to the State Dental Health Officer and the State Public Health Dental Hygienist positions, allowing the positions to serve in the unclassified service of the State or as contractors for the Division of Public and Behavioral Health of the Department of Health and Human Services. Senate Bill No. 501 requires the State Dental Health Officer and the State Public Health Dental Hygienist to work collaboratively with each other. This bill also requires the State Dental Health Officer to seek information and advice from any dental education program in this state, as necessary to carry out his or her duties. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 501:

YEAS—21.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bills Nos. 4, 6, 8, 11, 13, 15, 16, 20, 23, 24, 43, 44, 45, 46, 47, 48, 53, 59, 60, 62, 65, 66, 68, 88, 94, 97, 101, 108, 112, 113, 124, 130, 132, 136, 138, 150, 151, 153, 156, 160, 183, 189, 192, 193, 195, 200, 212, 223, 224, 227, 231, 236, 246, 251, 267, 270, 285, 292, 377, 383, 384, 422, 428, 435, 449, 454, 462 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Motion carried.

Senate in recess at 2:45 p.m.

SENATE IN SESSION

At 2:48 p.m.

President pro Tempore Hardy presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 483.

Bill read third time.

Remarks by Senators Roberson, Atkinson and Goicoechea.

SENATOR ROBERSON:

Senate Bill No. 483 provides for the continuation of certain revenue enhancements enacted during the 2013 Session that are set to expire on June 30, 2015, and provides for the implementation of new revenue enhancements recommended by the Governor in the Executive Budget. With respect to the revenue enhancements enacted during the 2013 Session, the bill removes the June 30 2015, sunset date on the 0.35 percent increase to the Local School Support Tax, which makes the increase permanent.

It maintains the current structure of the Modified Business Tax (MBT) on Nonfinancial Institutions with the exemption for the first \$85,000 in taxable wages per quarter and the rate of 1.17 percent on all taxable wages over \$85,000 per quarter and makes this structure permanent.

It continues the prepayment of the Net Proceeds of Minerals Tax and maintains the exclusion of certain industrial and health insurance deductions for FY 2016 only.

It extends the sunset date on the requirement for a portion of the Governmental Services Tax proceeds to be deposited in the State General Fund from June 30, 2015, to June 30, 2017. The proceeds from the 10 percent increase in the depreciation schedule that was enacted during the 2009 Session would be deposited in the State Highway Fund beginning on July 1, 2017.

With respect to the revenue enhancements recommended by the Governor in the Executive Budget, the bill establishes the MBT on Mining at 2.0 percent of total quarterly taxable wages and specifies that a mining business is defined as any business that is subject to the Net Proceeds of Minerals Tax pursuant to the NRS Chapter 362.

The bill additionally increases the cigarette tax rate by 50 mills per cigarette in NRS Chapter 370. This increases the total cigarette tax rate from 80 cents per pack of 20 cigarettes to \$1.80 per pack with the proceeds from the increase to be deposited to the State General Fund.

Finally, Senate Bill No. 483 requires each application for a state business license that is submitted between October 1, 2015, and October 1, 2016, to include certain information

regarding the amount of revenue earned by the business from the sale of services used in Nevada and the industry in which the business is primary.

SENATOR ATKINSON:

I rise in support of Senate Bill No. 483. Everyone understands my feelings about the part of this bill that relates to the Highway Fund; how funds are collected and how these funds continue to be used to plug holes in the budget. I hope, at some point, we can make sure these funds remain in the Highway Fund. If you look at the numbers we looked at earlier, you will see we have diverted almost \$30 million a year from the Highway Fund to the General Fund. If the numbers I reviewed earlier are correct, that is almost \$300 million since we processed a highway funding bill in 2009. At some point, if we are going to talk about taxes—if we are going to talk about revenue, and this is the Session we are doing that—I was hopeful we could get the Highway Fund dollars back to the Highway Fund and fund the budget. I have not given up hope. There are two weeks left, and I know there is still work we have to do. I am asking this Body to somehow continue to look at it. The Majority Leader and Minority Leader know where I stand on this issue. While I am in favor of the measure, and I am going to vote for it today, I am asking the Chair of the Finance Committee and my colleague from District 13 to continue to look at it and see if there is some way we can help the Highway Fund.

SENATOR GOICOECHEA:

I am supportive of the sunsets and extending them. However, in this bill, there is a change in the sunsets that increases mining to 2 percent in the MBT, and that will cause problems in my district. I think that should be part of the total tax package as far as who gets what. I will have to oppose this bill at this time.

Roll call on Senate Bill No. 483:

YEAS—18.

NAYS—Goicoechea, Gustavson, Lipparelli—3.

Senate Bill No. 483 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 3.

The following Assembly amendment was read.

Amendment No. 657.

SUMMARY—Requires the Department of Motor Vehicles to establish a registry of emergency contact information for certain persons. (BDR 43-14)

AN ACT relating to public safety; requiring the Department of Motor Vehicles to establish a registry of emergency contact information for certain persons who possess a driver's license, identification card or driver authorization card; requiring certain law enforcement personnel to use the registry to notify an emergency contact person regarding any persons involved in a motor vehicle accident; authorizing certain law enforcement personnel to use the registry to notify an emergency contact person regarding any persons involved in an accident or emergency situation other than a motor vehicle accident; providing immunity from liability to the Department and others with access to the registry for certain acts and omissions related to the registry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill requires the Department of Motor Vehicles to establish a registry on its Internet website to be known as the Next-of-Kin Registry. The Registry must include, in a secure portion of the website, a registry record unique to each registrant. Information in the Registry will be accessible to law enforcement, a coroner or medical examiner and the registrant, and parent or guardian of the registrant if the registrant is a minor. Section 9 of this bill provides the requirements for a registrant to establish a registry record in the Next-of-Kin Registry and allows a registrant to submit emergency contact information for not more than two emergency contact persons. Section 10 of this bill requires law enforcement personnel to search the Registry to identify and make reasonable efforts to make contact with the emergency contact person of a registrant if the registrant is unable to communicate after a serious motor vehicle accident. Section 10 also allows a coroner or medical examiner to access the Registry to identify the next-of-kin of a decedent. Section 10.5 of this bill authorizes law enforcement personnel to search the Registry to identify and make reasonable efforts to make contact with the emergency contact person of a registrant if the registrant is unable to communicate after an accident or emergency situation other than a motor vehicle accident. Sections 1, 2, 8 and 11 of this bill limit access to the information in the Registry to the registrant, law enforcement personnel, a coroner or medical examiner or his or her respective personnel and the Department, with certain exceptions, including other persons authorized by a court order. Sections 11 and 21 of this bill further provide that the names, telephone numbers and addresses of emergency contact persons in the Registry are confidential, not public records for the purposes of the Open Meeting Law and not discoverable except upon a subpoena issued in a criminal matter. (See chapter 239 of NRS) Section 12 of this bill limits the civil and criminal liability of those authorized to establish, maintain and access the Registry. Section 13 of this bill authorizes the Department to adopt regulations necessary to implement and maintain the Next-of-Kin Registry. Sections 14-20 of this bill require the Department, at the time of the application for or the renewal of a driver's license, identification card or driver authorization card, to provide the applicant a form to register with the Next-of-Kin Registry.

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

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a

person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

↪ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the

Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

↪ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. *Except as otherwise provided in sections 8, ~~and~~ 10 and 10.5 of this act, or as otherwise required by law, the Director shall not:*

(a) Allow any person to make use of information retrieved from the Next-of-Kin Registry established pursuant to section 8 of this act for:

(1) A private purpose; or

(2) Any purpose relating to the legal presence of a person; or

(b) In any other way release any information retrieved from the Registry.

11. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

~~11.~~ 12. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

~~{12.}~~ 13. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

~~{13.}~~ 14. As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. NRS 482.170 is hereby amended to read as follows:

482.170 Except as otherwise provided in NRS 239.0115, 481.063 and 485.316, *and sections 8, ~~and~~ 10 and 10.5 of this act*, all personal information in the records of registration and licensing in the offices of the Department is confidential and must not knowingly be disclosed by the Department.

Sec. 3. Chapter 483 of NRS is hereby amended by adding thereto the provisions of sections 4 to 13, inclusive, of this act.

Sec. 4. *As used in sections 4 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Identification card" means an identification card issued by the Department pursuant to NRS 483.810 to 483.890, inclusive.*

Sec. 6. *"Next-of-Kin Registry" means the registry of emergency contact persons established pursuant to section 8 of this act.*

Sec. 7. *"Registrant" means a person who registers with the Next-of-Kin Registry pursuant to section 9 of this act.*

Sec. 8. 1. *The Department shall establish and maintain on its Internet website a registry to be known as the Next-of-Kin Registry. The Next-of-Kin Registry must include, without limitation, in a secure portion of the Internet website, a registry record unique to each registrant.*

2. *Except as otherwise provided in this section, the Department shall provide access to, or information from, the registry record of a registrant in the Next-of-Kin Registry to:*

(a) *A law enforcement officer or other duly authorized employee of a law enforcement agency who conducts a search pursuant to section 10 or 10.5 of this act;*

(b) *A coroner or medical examiner or a duly authorized employee of a coroner or medical examiner who conducts a search pursuant to section 10 of this act;*

(c) *The registrant for the purpose of adding, amending or deleting the name, telephone number, address or electronic mail address of an emergency contact person;*

(d) *The parent or legal guardian of a registrant who is less than 18 years of age and is not emancipated; and*

(e) *Employees of the Department to the extent necessary to carry out the provisions of sections 4 to 13, inclusive, of this act.*

3. *The Department may provide access to, or information from, the registry record of a registrant:*

(a) *Pursuant to the lawful order of a court of competent jurisdiction; or*

(b) *At the request of the personal representative of a deceased registrant.*

Sec. 9. 1. *A person may register with the Next-of-Kin Registry if the person possesses:*

(a) *A Nevada driver's license, identification card or driver authorization card; and*

(b) *An Internet portal account with the Department.*

2. *The Department shall prescribe the information a person must submit electronically through the person's portal account to register with the Next-of-Kin Registry, which must include, without limitation:*

(a) *An affirmative indication of the desire of the person to become a registrant;*

(b) *The driver's license number, identification card number or driver authorization card number of the person;*

(c) *The name, telephone number, address and electronic mail address, if available, of not more than two emergency contact persons who are at least*

18 years of age, one of whom is the parent or legal guardian of the person if he or she is less than 18 years of age and is not emancipated; and

(d) If the registrant is less than 18 years of age and is not emancipated, the driver's license number, identification card number or driver authorization card number, if any, of the parent or legal guardian whose contact information is submitted by the registrant pursuant to paragraph (c).

3. If a person submits the information required pursuant to subsection 2 to become a registrant, the Department shall:

(a) Create a registry record within the Next-of-Kin Registry for the registrant which includes the information regarding the emergency contact persons provided by the registrant; and

~~(b) Assign a registry record number to the registrant;~~

~~(c) Assign and provide to the registrant a registry access code to access the registry record;~~

~~(d) If the registrant is less than 18 years of age and is not emancipated, provide the registry access code to the parent or legal guardian of the registrant who is listed as one of his or her emergency contact persons; and~~

~~(e) Provide to the registrant information regarding:~~

(1) The persons and entities who will have access to the information in the Registry; and

(2) Who will be notified in the event of an emergency involving the registrant.

Sec. 10. 1. A law enforcement officer or a duly authorized employee of a law enforcement agency must, as soon as practicable, search the Next-of-Kin Registry for an emergency contact person of a driver or passenger in a motor vehicle if the driver or passenger:

(a) Possesses a Nevada driver's license, identification card or driver authorization card;

(b) Has been involved in a motor vehicle accident ~~for other situation,~~ which results in the death, serious bodily injury or other incapacitation of the driver or passenger; and

(c) Is incapable of communicating.

2. Except as otherwise provided in subsection 3, if the law enforcement officer or the duly authorized employee of a law enforcement agency identifies an emergency contact person of a driver or passenger through the Next-of-Kin Registry ~~and pursuant to this section,~~ the officer or employee must make a reasonable attempt to notify the emergency contact person, as soon as practicable, of the hospital or other location at which the driver or passenger may be located.

3. In the event of the death of a driver or passenger in a motor vehicle accident, ~~for other situation,~~ the law enforcement officer or the duly authorized employee of a law enforcement agency shall coordinate the notification of the emergency contact person with the coroner or medical examiner, as applicable. Such notification may only be made after the positive identification of the decedent.

4. A coroner or medical examiner or a duly authorized employee of a coroner or medical examiner may access the Next-of-Kin Registry to search for the next-of-kin of a decedent if the decedent possessed a Nevada driver's license, identification card or driver authorization card at the time of his or her death.

Sec. 10.5. 1. A law enforcement officer or a duly appointed authorized employee of a law enforcement agency may search the Next-of-Kin Registry for an emergency contact person of a person if the person on whose behalf the search is conducted:

(a) Possesses a Nevada driver's license, identification card or driver authorization card;

(b) Has been involved in an accident or emergency situation other than a motor vehicle accident which results in the death, serious bodily injury or other incapacitation of the person; and

(c) Is incapable of communicating.

2. Except as otherwise provided in subsection 3, if the law enforcement officer or the duly authorized employee of a law enforcement agency identifies an emergency contact person of a person through the Next-of-Kin Registry pursuant to this section, the officer or employee shall make a reasonable attempt to notify the emergency contact person of the hospital or other location at which the injured or incapacitated person may be located.

3. In the event of the death of a person due to an accident or other emergency situation other than a motor vehicle accident, the law enforcement officer or the duly authorized employee of a law enforcement agency shall coordinate the notification of the emergency contact person with the coroner or medical examiner, as applicable. Such notification may only be made after the positive identification of the decedent.

Sec. 11. ~~Except as otherwise provided in sections 8, 9, 10 and 10.5~~ of this act, the information regarding an emergency contact person submitted by a registrant for inclusion in the Next-of-Kin Registry is:

1. Confidential;
2. To be used or accessed only as authorized pursuant to sections 4 to 13, inclusive, of this act;
3. Not a public record for the purposes of chapter 239 of NRS; and
4. Not discoverable by any person, entity or governmental agency except upon the issuance of a subpoena by a grand jury or a court order in a criminal matter.

Sec. 12. 1. The Department, any employee of the Department, any law enforcement officer, any coroner or medical examiner, or any duly authorized employee of a law enforcement agency or coroner or medical examiner, when carrying out the provisions of sections 4 to 13, inclusive, of this act in the scope of their public duties or employment, are not liable to any person for civil damages or subject to criminal prosecution resulting from or caused by, without limitation:

(a) Any disruption or failure in Internet service caused by an accident, malfunction, act of sabotage or God, or any other condition or circumstance which the Department has not directly or indirectly caused and which prevents:

(1) The Department from establishing, maintaining or accessing the Next-of-Kin Registry;

(2) A law enforcement officer, a coroner or a medical examiner, or a duly authorized employee of a law enforcement agency or coroner or medical examiner, from accessing the Next-of-Kin Registry as required or authorized pursuant to ~~section~~ sections 10 and 10.5 of this act;

(3) A registrant from accessing his or her registry record in the Next-of-Kin Registry or adding, amending or deleting the name, telephone number or address of an emergency contact person; or

(4) The parent or legal guardian of a registrant who is less than 18 years of age and not emancipated from accessing the registry record of the registrant.

(b) Any negligent misuse of, omission of or failure to input accurate information into, or input of inaccurate or outdated information into the Next-of-Kin Registry by a registrant.

(c) The failure of a law enforcement officer, a coroner or a medical examiner, or a duly authorized employee of a law enforcement agency or coroner or medical examiner, to make contact with any emergency contact person.

2. This section must not be construed to exempt any person, including, without limitation, the Department, an employee of the Department, a law enforcement officer, a coroner, a medical examiner or a duly authorized employee of a law enforcement agency or coroner or medical examiner from criminal and civil liability for willful misuse of the information in the Next-of-Kin Registry.

Sec. 13. The Department may adopt such regulations as are necessary to carry out the provisions of sections 4 to 13, inclusive, of this act.

Sec. 14. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Include:

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development or an equivalent document.

(e) *Include information instructing the applicant how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.*

(f) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 15. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

↳ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school attendance pursuant to NRS 392.070.

(d) *Include information instructing the applicant how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.*

(e) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of the speed limit set by law for school buses.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 16. NRS 483.280 is hereby amended to read as follows:

483.280 1. Any person who is at least 15 1/2 years of age may apply to the Department for an instruction permit. The Department may, in its discretion, after the applicant has successfully passed all parts of the examination administered pursuant to NRS 483.330, other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his or her immediate possession, to drive a motor vehicle upon the highways for a period of 1 year when accompanied by a licensed driver who is at least 21 years of age, who has had at least 1 year of licensed driving experience in the type of vehicle for which the permit was issued and who is actually occupying a seat beside the driver, except when the permittee is occupying a motorcycle. The term "licensed driving experience" as used in this subsection does not include driving experience gained under an instruction permit issued pursuant to the provisions of this section.

2. The Department may, in its discretion, issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle while the Department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit must be in the applicant's immediate possession while driving a motor vehicle, and is invalid when the applicant's license has been issued or for good cause has been refused.

3. The Department, upon receiving proper application, may, in its discretion, issue a restricted instruction permit effective for a school year, or for a more restricted period, to an applicant who is enrolled in a drivers' education program which includes practice driving and which is approved by the Department even though the applicant has not reached the legal age to be eligible for a driver's license. The instruction permit entitles the permittee, when the permittee has the permit in his or her immediate possession, to drive a motor vehicle only on a designated highway or within a designated area, but only when an approved instructor is occupying a seat beside the permittee.

4. *At the time of the issuance of a permit pursuant to this section, the Department shall provide to the permittee information instructing the permittee how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.*

Sec. 16.5. NRS 483.291 is hereby amended to read as follows:

483.291 1. An application for an instruction permit or for a driver authorization card must:

- (a) Be made upon a form furnished by the Department.
- (b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.
- (c) Be accompanied by the required fee.
- (d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.
- (e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) *Include information instructing the applicant how to register for the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.*

(g) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

- (a) Any one of the following documents:
 - (1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;
 - (2) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;
 - (3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State; or

(9) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

↪ No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. Notwithstanding the provisions of NRS 483.380, every driver authorization card expires on the anniversary of its issuance or renewal. Every driver authorization card is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 17. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations

pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is unlawful for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her driver's license.

(e) *Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.*

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons

to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 18. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➤ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484C.460:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420;

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653; or

(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148,

the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

9. *At the time of the issuance of a restricted license pursuant to this section, the Department shall provide to the applicant information instructing the applicant how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.*

Sec. 19. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her identification card.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 20. NRS 483.928 is hereby amended to read as follows:

483.928 1. A person who wishes to be issued a commercial driver's license by this State must:

~~{1.}~~ (a) Apply to the Department for a commercial driver's license;

~~{2.}~~ (b) In accordance with standards contained in regulations adopted by the Department:

~~{(a)}~~ (1) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

~~{(b)}~~ (2) Pass a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

~~{3.}~~ (c) Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

~~{4-}~~ (d) Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

~~{5-}~~ (e) For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

2. *At the time of the issuance or renewal of a commercial driver's license pursuant to this section, the Department shall provide to the holder of the license information instructing the holder how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.*

Sec. 21. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,

432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, and 711.600, and section 11 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that

the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 21.5. As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department of Motor Vehicles shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 22. This act becomes effective:

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

2. For all other purposes, on the date on which the Director of the Department of Motor Vehicles, pursuant to section 21.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.

Senator Hammond moved that the Senate concur in Assembly Amendment No. 657 to Senate Bill No. 3.

Remarks by Senator Hammond.

Amendment No. 657 makes three changes to Senate Bill No. 3: 1) expands the notification provisions of the bill to permit a law enforcement officer or other authorized employee of a law enforcement agency to search the Registry during accidents or emergency situations other than motor vehicle accidents; 2) deletes the "double registry" provisions of subsection 3 of section 9, which require DMV to assign a registry record number and registry access code to a registrant, because a registrant is already required to have an Internet portal account; and 3) adds Assemblymen O'Neill and Silberkraus as joint sponsors to this bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bills Nos. 104, 504.

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

Senate in recess at 2:57 p.m.

SENATE IN SESSION

At 3:08 p.m.

President pro Tempore Hardy presiding.

Quorum present.

Senator Roberson moved that the Senate adjourn until Saturday, May 16, 2015, at 2:00 p.m., and that it do so in memory of legendary blues guitarist B.B. King.

Motion carried.

Senate adjourned at 3:10 p.m.

Approved:

JOSEPH P. HARDY
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate