

**THE ONE HUNDRED AND SEVENTH DAY**

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CARSON CITY (Tuesday), May 19, 2015

Senate called to order at 12:38 p.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

What a great day to be alive, God, to serve our communities throughout Nevada. Help us this day to be quick to listen and slow to speak. Filter our thoughts and our attitudes. May we not assume the worst in others and their intentions. May we seek peace and unity above all else. May we be just and authentic in our actions. May we be bold and courageous in all we do. Help us to be good friends who love deeply. Keep us from burning out; keep us fueled and on fire for all that you desire. May we not quit when things get tough, but may we lean into you all the more.

We pray in the mighty Name of Jesus.

AMEN.

Pledge of Allegiance to the Flag.

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

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 85, 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES A. SETTELMAYER, *Chair*

*Mr. President:*

Your Committee on Education, to which were referred Assembly Bills Nos. 166, 205, 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was re-referred Senate Bill No. 332, 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:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 238, 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:*

Your Senate Committee on Senate Parliamentary Rules and Procedures has approved the consideration of Amendment No. 870 to Senate Bill No. 185, Amendment No. 879 to Senate Bill No. 291.

JAMES A. SETTELMAYER, *Chair*

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 18, 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. 48, 75, 87, 157, 246, 248, 249, 251, 256, 289, 310, 313, 354, 373, 384, 389, 390; Senate Joint Resolutions Nos. 1, 2, 4, 5.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 13, Amendment No. 675; Senate Bill No. 52, Amendment No. 751; Senate Bill No. 127, Amendment No. 687; Senate Bill No. 156, Amendment No. 688; Senate Bill No. 208, Amendment No. 666; Senate Bill No. 261, Amendment No. 683; Senate Bill No. 268, Amendment No. 680; Senate Bill No. 288, Amendment No. 703; Senate Bill No. 303, Amendment No. 673, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 2, Amendment No. 702, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bills Nos. 120, 121, 172, 273, 451 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Roberson moved that Assembly Bill No. 240 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Roberson moved that Senate Bill No. 291; Assembly Bills Nos. 16, 23, 45, 46, 48, 68, 114, 435 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried

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

Senate in recess at 12:45 p.m.

## SENATE IN SESSION

At 12:47 p.m.

President Hutchison presiding.

Quorum present.

## GENERAL FILE AND THIRD READING

Senate Bill No. 185.

Bill read third time.

The following amendment was proposed by Senator Kieckhefer:

Amendment No. 870.

SUMMARY—Makes temporary changes relating to fire and related emergency services in certain counties. (BDR 42-121)

AN ACT relating to suppression of fires; temporarily requiring the entity that is responsible for the closest emergency fire-fighting vehicle to respond to and suppress certain fires in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the municipalities of this State to provide fire protection services. (NRS 268.730) Existing law also authorizes the creation of districts for a fire department by boards of county commissioners and the creation of fire protection districts and county fire protection districts. (NRS 244.2961, 473.034, 474.110, 474.460) ~~(This)~~ Section 1 of this bill requires, in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the entity that is responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire to respond to and take all actions necessary to suppress the fire regardless of whether the location of the fire falls within the territory served by the entity. Section 2 of this bill provides that the provisions of section 1 expire by limitation on June 30, 2017.

WHEREAS, The provision of fire protection and related emergency services is fundamental to what the people of this State expect from their local governments; and

WHEREAS, Providing such services in a timely, effective and efficient manner is critical to the protection of life and property; and

WHEREAS, The infighting that has continuously occurred for several years between the entities that provide fire protection and related emergency services in Washoe County threatens the lives and property of the people of this State who reside in that county; and

WHEREAS, The failure of the local governments in Washoe County to resolve this dispute in a timely manner now requires the Nevada Legislature to intervene and ensure that the lives and property of the people of this State who reside in Washoe County are no longer put at risk by the reluctance of these entities to find an agreement that protects their residents; now, therefore,

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

Section 1. Chapter 475 of NRS is hereby amended by adding thereto a new section to read as follows:

*Notwithstanding any provision of law to the contrary, in a county whose population is 100,000 or more but less than 700,000, the entity that is responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire shall respond to and take all actions necessary to suppress the fire regardless of whether the fire occurs within the territory served by the entity.*

Sec. 2. This act expires by limitation on June 30, 2017.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment simply puts in a sunset date for the legislation effective June 30, 2017.

Amendment adopted.

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

Senate Bill No. 60.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 60 transfers the Confidential Address Program from the Secretary of State's Office to the Office of the Attorney General, which would allow victims of domestic violence, human trafficking, sexual assault or stalking to, upon application, obtain a fictitious address. The bill provides for the transfer of General Funds totaling \$11,388 in FY 2016 and \$11,385 in FY 2017 from the Secretary of State to the Office of the Attorney General to carry out the operational functions of the Confidential Address Program.

The legislation also creates the Office of Military Legal Assistance within the Office of the Attorney General, which allows the Office to facilitate the needs of current and former military personnel in the State with local attorneys willing to provide *pro bono* legal assistance.

Lastly, the bill extends the sunset on the Substance Abuse Working Group established within the Office of the Attorney General to June 30, 2019.

The extension of the Substance Abuse Working Group is effective upon passage and approval, while remaining sections of the bill become effective July 1, 2015.

Roll call on Senate Bill No. 60:

YEAS—21.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 296.

Bill read third time.

Remarks by Senators Roberson and Segerblom.

SENATOR ROBERSON:

Senate Bill No. 296 prohibits a party from including a claim for exemplary or punitive damages in certain pleadings at the commencement of a civil action and establishes a process by which a party may amend its pleadings to include such a claim.

The bill also sets forth conditions under which limits on exemplary or punitive damages do not apply to a manufacturer, distributor or seller of a defective product including: the failure to take appropriate action after a governmental agency's final order altering the conditions of or prohibiting the sale of a given product; a finding by a governmental agency or court that the entity in question has made an unlawful payment to an official or employee of a governmental agency to secure or maintain product approval; the illegal withholding or misrepresentation from a governmental agency of information material to approval of the product and material to the harm suffered by the plaintiff; and that the entity, after the product was sold, knowingly violated applicable laws or regulations by failing to report risks of harm that are material and relevant to the harm alleged by the plaintiff. The effective date of this bill is October 1, 2015.

SENATOR SEGERBLOM:

I voted against this bill, yesterday, so I will not belabor the point. Anything that hurts the little guy at a time when the rich people are getting richer, and the powerful people are getting more powerful, I have to oppose. I do oppose this bill.

Roll call on Senate Bill No. 296:

YEAS—16.

NAYS—Kihuen, Parks, Segerblom, Smith, Woodhouse—5.

Senate Bill No. 296 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324.

Bill read third time.

Remarks by Senators Kieckhefer and Manendo.

SENATOR KIECKHEFER:

Senate Bill No. 324 expands chapter 408 of *Nevada Revised Statutes* to authorize the Director of the Department of Transportation to issue an encroachment permit for certain discharges onto a State highway or right-of-way and provides penalties for an unpermitted discharge onto a State highway or right-of-way. Senate Bill No. 324 revises NRS 408.050 to expand the definition of encroachment to include the discharge of any kind or character, and increases the administrative fee charged by the Department for encroachments that remain beyond five days after notice is served, from \$100 per day to \$750 per day; expands the definition of discharge to include pollutants as defined in NRS 445A.400, which includes both solid and liquid pollutants; requires individuals to abate, remove or remediate unpermitted discharges in a timely manner and enables the Department to assess administrative fees not to exceed \$750 for each day of violation and a civil penalty of not more than \$25,000 for each day of violation, which shall be deposited in the Highway Fund. Senate Bill No. 324 provides the Director or designee with authority to inspect and enter premises where an unpermitted discharge is occurring onto a State highway or right-of-way, issue compliance orders and seek injunctive relief to remedy an unpermitted discharge.

Senate Bill No. 324 allows for the addition of a third Deputy Director position for the Nevada Department of Transportation to implement, manage and enforce any environmental program of the department.

Senate Bill No. 324 enacts recommendations included in the Executive Budget and is effective on July 1, 2015.

SENATOR MANENDO:

I would like to thank the Chair of the Finance Committee and the members for their hard work on this. I strongly support this legislation.

Roll call on Senate Bill No. 324:

YEAS—21.

NAYS—None.

Senate Bill No. 324 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 34 repeals provisions related to the State Forester Fire Warden and places them in chapter 472 of *Nevada Revised Statutes* relating to fire protection districts to coincide with the transfer of certain functions to local government entities. The measure authorizes the State Land Registrar to transfer title to certain real property owned by the State, with certain restrictions, to certain local fire protection districts and counties. The bill also clarifies that if the State Forester Fire Warden determines that a fire is the result of an unavoidable accident, then he

or she shall not charge the entity with the expenses incurred in extinguishing the fire. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 34:

YEAS—21.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 50.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 50 revises certain provisions relating to the Secretary of State and the Attorney General's Offices and the supervision of and oversight over nonprofit solicitations. This is a fix-it bill that followed a bill from last Session that it was intended to be a fix-it bill; however, that bill did not fix anything and actually made things more complicated. This is the actual fix-it bill. All stakeholders have met for months, and this is a good bill. I urge your support.

Roll call on Assembly Bill No. 50:

YEAS—21.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 69.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 69 is another clean-up, fix-it bill relating, generally, to the Supreme Court and the Judiciary. It actually brings the Court's practices, policies and procedures in line with modern day technology and modern day practices. I urge the Body's support.

Roll call on Assembly Bill No. 69:

YEAS—21.

NAYS—None.

Assembly Bill No. 69 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 126 adds licensed nail technologists to the list of persons exempt from licensure as a massage therapist if the nail technologist is massaging hands, feet, forearms or lower legs within his or her scope of practice. The measure removes the requirement that an applicant for a license to practice massage therapy pass an examination administered by a board accredited by the National Commission for Certifying Agencies, instead requiring the Board of Massage Therapists to approve a nationally recognized competency examination.

The bill also limits to two years the period during which an expired or inactive license may be restored or renewed under certain circumstances.

Finally, the bill provides that the Board may refuse to issue a license or initiate disciplinary action against a licensee based on a conviction for any crime involving moral turpitude regardless of when the conviction occurred, and it adds a requirement that a licensee or applicant report to the Board any unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days of becoming aware of the conduct. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 126:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 152.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 152 requires the State Board of Health to adopt regulations to require a child care facility to: provide a private space where mothers may breastfeed; provide a program of physical activity for the children; and prohibit a child care facility from withholding or requiring physical activity as a form of discipline. The bill is effective upon passage and approval for the purpose of adopting any regulations and performing other administrative tasks, and January 1, 2016, for all other purposes.

Roll call on Assembly Bill No. 152:

YEAS—21.

NAYS—None.

Assembly Bill No. 152 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169.

Bill read third time.

Remarks by Senator Hardy.

If a person wants a graywater system in a single family residence, there will be regulations that allow the treatment-works' staff to conduct an analysis of the possible effects the gray-water system may have on the treatment works and report the results of the analysis to the State Board of Health or district board of health, as applicable.

The person who wants a gray-water system analysis of a single family residence will have to pay the cost of the analysis.

Roll call on Assembly Bill No. 169:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 170.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 170 clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred. The bill also requires the publication of a resolution of the intent of a municipality to issue or incur a general obligation to include information notifying the public of the date by which the registered voters of the municipality must file a petition with the governing body to hold an election on the issuance of the obligation, the location at which the petition must be filed with the governing body, and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition. Notice of the public hearing must be published at least three times, once each week for three consecutive weeks in a newspaper of general circulation in the municipality. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 170:

YEAS—21.

NAYS—None.

Assembly Bill No. 170 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 239.

Bill read third time.

Remarks by Senator Brower.

This is the long awaited drone bill that has been making its way over from the Assembly since the beginning of the Session. It is a good bill with cutting-edge policy. A lot of work went into getting this right, and I think this is a good product. I urge your support.

Roll call on Assembly Bill No. 239:

YEAS—21.

NAYS—None.

Assembly Bill No. 239 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 307.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 307 requires the Division of Health Care Financing and Policy (DHCFP) and the Aging and Disability Services Division (ADSD), Department of Health and Human Services, to the extent that money is available, to establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who have also been diagnosed with a behavioral health need and reside in a county whose population is 100,000 or more. As necessary, the Director of the Department shall amend the State Plan for Medicaid or obtain a Medicaid waiver to use money received pursuant to the State Plan to pay for any part of the pilot program for which such money is authorized by federal law or by the waiver. Intensive care coordination services must include certain medically necessary services, support for the family and food and lodging expenses for a child who is receiving supported living arrangements but does not reside with his or her parent or guardian.

The DHCFP and ADSD are authorized to apply for and accept gifts, grants, donations and bequests to pay for the pilot program. The DHCFP and ADSD must take certain measures to



evaluate the effectiveness of the program and collaborate efforts to obtain grants. The Divisions shall also report to the Legislature and the Legislative Committee on Health Care (LCHC) the status and results of the pilot program. The boards of county commissioners in counties with populations of less than 100,000 must report to the Legislature and the LCHC the manner in which they make provisions for the support education and care of children with intellectual disabilities and related conditions in their respective counties. The bill is effective on July 1, 2015, and expires by limitation on July 1, 2019.

Roll call on Assembly Bill No. 307:

YEAS—21.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 1:12 p.m.

#### SENATE IN SESSION

At 1:14 p.m.

President Hutchison presiding.

Quorum present.

Assembly Bill No. 457.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 457 repeals a number of provisions relating to obsolete or redundant reports mandated by the Legislature but ensures that the information provided by certain reports will remain publicly available on pertinent websites. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 457:

YEAS—21.

NAYS—None.

Assembly Bill No. 457 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 461.

Bill read third time.

Remarks by Senators Farley and Atkinson.

SENATOR FARLEY:

Assembly Bill No. 461 provides that in any pre-election action, if a court finds a candidate for any elective office fails to meet any constitutional or statutory qualification of that office, the person is disqualified from entering upon the duties of the office for which the individual filed a declaration or acceptance of candidacy. The court may order the individual to pay court costs and attorney's fees, including costs incurred by the Attorney General or a district attorney or city attorney.

The bill revises the declaration or acceptance of candidacy forms to include a statement that the person understands making false statements is a crime and that the person is subject to civil action as well. Acceptable forms of identification to establish identity and residence are provided.

The bill revises the definition of "actual residence" to mean the place of permanent habitation where a person actually resides and is legally domiciled. For purposes of filing a declaration or acceptance of candidacy, a person must actually reside at a domicile in order to be eligible to the office. This bill is effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks, and on January 1, 2016, for all other purposes.

SENATOR ATKINSON:

It just appears that we have quite a few of these measures out here dealing with residency requirements. I am not sure if there is some effort to combine them. I wanted to commend my colleagues, the Chair from Commerce, Labor and Energy and Judiciary for working with me to remove some of the language dealing with felonies. I do appreciate that. I am trying to figure out where we are going as a Legislative Body with several of these measures out there. I heard from Committee how this is different. I guess any one of the Committee members could respond, and I am on the Committee as well. I liked the bill that the Chair had dealing with the residence issues, but I am not sure of these two so I am not that comfortable with them. I do appreciate the language with the felonies being changed to a gross misdemeanor, but I am trying to figure out where we are going.

SENATOR FARLEY:

We are working with the Legislative Counsel Bureau to make sure that there is not any overlapping and that everything is interweaved appropriately. Each one of these bills has a little bit of a different piece to it. I do not talk about court costs in the piece of legislation that was just mentioned. We are making sure that each is either different or combined.

Roll call on Assembly Bill No. 461:

YEAS—14.

NAYS—Atkinson, Ford, Kihuen, Manendo, Parks, Spearman, Woodhouse—7.

Assembly Bill No. 461 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 60.

Bill read third time.

Remarks by Senator Segerblom.

Assembly Bill No. 60 is the Ethic's Commission bill to correct a few things they have learned over the past couple years. It deals with changing the date for when the issues are received and how long they have to respond. It also deals with the confidentiality of the file, when it is going to be obtained and when it is confidential. It also clarifies the issue of wilful violation, so if your attorney tells you that you are okay with what you doing, it may not be a wilful violation. I urge your support.

Roll call on Assembly Bill No. 60:

YEAS—21.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 67.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 67 essentially does two things: 1) it eliminates two constitutional defects that exist under current State law as identified in recent cases by the Nevada Supreme Court; and 2) provides for statutory definition of "actual physical control" with respect to the DUI context.

Roll call on Assembly Bill No. 67:

YEAS—21.

NAYS—None.

Assembly Bill No. 67 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291.

Bill read third time.

The following amendment was proposed by Senator Roberson:

Amendment No. 879.

SUMMARY—Provides for the determination of damage awards in certain civil actions. (BDR 3-951)

AN ACT relating to civil actions; requiring a court to make certain reductions in the amounts awarded as damages in certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

A common law doctrine, known as the "collateral source rule," prohibits a defendant in a tort case from introducing into evidence proof of amounts that the plaintiff received or was entitled to receive from a source other than the defendant in compensation for the harms or injuries caused by the defendant.

Existing law provides a limited exception to the collateral source rule by allowing a defendant in a case against a provider of health care based upon professional negligence to introduce evidence of amounts paid or payable to a plaintiff pursuant to policies of health or accident insurance, the United States Social Security Act, worker's compensation statutes and other programs or contracts that pay for or reimburse costs of health care. (NRS 42.021)

This bill replaces the existing limited exception to the collateral source rule and instead requires a court, upon a motion by a defendant in any tort case, to reduce the amount of damages initially determined by the jury or other finder of fact by the amount of past medical expenses paid in relation to the injury or death sustained. However, this bill prohibits the court from reducing the amount of the damages by any amount: (1) paid for any treatment, care or custody provided by a provider of health care or medical facility on a lien; or (2) paid pursuant to medical payment coverage.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, in any action to recover damages for death or injury to a person:*

(a) *A plaintiff may, in the initial presentation of the case to a judge, jury, tribunal, arbitrator or other finder of fact, claim the full amount of any past and future medical expenses charged or to be charged by a provider of health care or medical facility.*

(b) *The judge, jury, tribunal, arbitrator or other finder of fact shall return a verdict or award based upon the past and future medical charges as set forth in the claim, and the court or appropriate judicial officer shall enter judgment in accordance with the verdict or award.*

(c) *Within 10 days after entry of judgment, the defendant may file a motion to reduce the judgment. Except as otherwise provided in this paragraph and paragraph (d), upon the filing of such a motion, the court or appropriate judicial officer shall reduce the judgment to the extent that the defendant proves by a preponderance of evidence that:*

(1) *The verdict or award includes the amount of any past medical expense that is covered by a policy of health insurance or other agreement with a third party if the amount charged by a health care provider or medical facility is greater than the amount to which the health care provider or medical facility is entitled under the terms of ~~the~~ the contract with the health care provider or medical facility has with the health insurer or third party; and*

(2) *The health insurer or third party actually paid the amount set forth in the contract ~~of~~ the health care provider or medical facility has with the health insurer or third party.*

↪ *The court or appropriate judicial officer shall not reduce the judgment by the amount of any payment pursuant to medical payment coverage.*

(d) *Before entering a judgment in accordance with paragraph (c), the court or appropriate judicial officer shall determine:*

(1) *Any amount the plaintiff is required to pay the health insurer or third party pursuant to any lien or right of subrogation ~~obtained by the health insurer or third party; and~~ .*

(2) *The costs and attorney's fees incurred by the plaintiff to pay the health insurer or third party pursuant to any lien or right of subrogation; and*

(3) *The costs incurred by the plaintiff to procure the coverage provided by the policy of health insurance or other agreement with a third party during the calendar year in which the death or injury to the person occurs regardless of the date on which the policy or other agreement was initially procured.*

↪ *The court or appropriate judicial officer may, for good cause shown, increase the judgment by the amounts determined pursuant to this paragraph.*

2. *The provisions of subsection 1 do not apply to an amount paid for any treatment, care or custody provided by a provider of health care or medical facility on a lien to a dead or injured person or other plaintiff. Such a lien must not be considered a source of collateral benefits. A defendant is not permitted to introduce evidence concerning any sale or other transfer of such a lien to a third party unless the payment obligations of the dead or injured person or other plaintiff are fully extinguished.*

3. *As used in this section:*

(a) *"Medical facility" has the meaning ascribed to it NRS 449.0151.*

(b) *"Plaintiff" includes, without limitation, the estate, heirs and legal representatives of the person whose death or injury is the subject of the action and any other aggrieved party or complainant whose rights are at issue in the action.*

(c) *"Provider of health care" has the meaning ascribed to it in NRS 42.021.*

Sec. 2. NRS 42.021 is hereby amended to read as follows:

42.021 1. ~~[In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.~~

~~2. A source of collateral benefits introduced pursuant to subsection 1 may not:~~

~~(a) Recover any amount against the plaintiff; or~~

~~(b) Be subrogated to the rights of the plaintiff against a defendant.~~

~~3.] In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.~~

~~[4.] 2. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection [3.] 1, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to~~

assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

~~{5.}~~ 3. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection ~~{3}~~ 1 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

~~{6.}~~ 4. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection ~~{5.}~~ 3, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

~~{7.}~~ 5. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection ~~{4}~~ 2 reverts to the judgment debtor.

~~{8.}~~ 6. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory

director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 3. The amendatory provisions of this act apply to a cause of action that accrues on or after October 1, 2015.

Senator Roberson moved the adoption of the amendment.

Remarks by Senators Roberson and Segerblom.

SENATOR ROBERSON:

Senate Bill No. 291 provides that, at the initial presentation of a case, a plaintiff may claim the full amount of past and future medical expenses charged, or to be charged, by a health care provider or medical facility, and a judge or other fact finder shall return a verdict or award based on that claim. Within ten days after the verdict or award is entered, a defendant may file a motion to reduce the award, and the court shall reduce the award if the defendant proves, by a preponderance of the evidence that: the verdict or award includes expenses that are covered by a health insurance policy or other third-party contract if the amount charged by a health care provider or medical facility is greater than the amount to which that entity is entitled under the contract; and the insurer or other party actually paid the amount provided for in the contract.

Before reducing any award, a court must take into consideration any lien or subrogated amount owed by the plaintiff to an insurer or third party as well as the cost and attorney's fee incurred by the plaintiff for the policy or contract for the year in which the injury or death occurred. A court may increase the award by these amounts.

Amounts paid for treatment by a health care provider or medical facility on a lien to a dead or injured person may not be included in the court's consideration of the final award, and a defendant may not introduce evidence concerning the sale or transfer of such a lien to a third party, unless the payment obligations to the dead or injured person are fully extinguished. These provisions apply to a cause of action that accrues on or after October 1, 2015. This bill is effective on October 1, 2015.

SENATOR SEGERBLOM:

I rise in opposition to this bill. This is another bill that creates a "reverse Robin Hood." We are giving money to the insurance companies and taking it away from the poor plaintiff who has been injured. The current law works fine. It compensates plaintiffs who are victimized. This is going to reduce the award they may get, and there is no off-set. The insurance companies have not said they will reduce rates if we do this. This is putting money in the pockets of the insurance companies and taking it out of the plaintiffs' pockets. I oppose this bill on that basis.

Amendment adopted.

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

Assembly Bill No. 16.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 16 provides that an employee of or a contractor or volunteer for a prison commits unauthorized custodial conduct if he or she involuntarily engages or attempts to engage in certain sexual acts with a prisoner.

Roll call on Assembly Bill No. 16:

YEAS—21.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23.

Bill read third time.

Remarks by Senator Farley.

Assembly Bill No. 23 revises provisions relating to the conduct of elections, including removing the requirement that certain topics, such as the duties of election boards and the use of elections supplies, be the subject of regulations to be adopted by the Secretary of State. The bill changes the date of certain general city elections from the first Tuesday after the first Monday in June to the second Tuesday after the first Monday in June and makes conforming changes to the charters of Boulder City, Caliente, Henderson, Las Vegas, North Las Vegas and Yerington. The bill also revises a provision in current law to require that only voters who voted at the relevant preceding election may sign a recall petition.

Roll call on Assembly Bill No. 23:

YEAS—21.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 45.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 45 makes certain revisions to the law concerning the risk assessment of a prisoner who has been convicted of a sexual offense.

Roll call on Assembly Bill No. 45:

YEAS—21.

NAYS—None.

Assembly Bill No. 45 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 46.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 46 removes a provision of current law requiring a court to include in a sentence any unpaid civil judgment ordered by a juvenile court that remains if the person has subsequently been convicted of a crime before satisfying the civil judgment.

Roll call on Assembly Bill No. 46:

YEAS—21.

NAYS—None.

Assembly Bill No. 46 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 48.

Bill read third time.



Remarks by Senator Brower.

Assembly Bill No. 48 is intended to bring us in line with federal law and provides that a person convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with Medicaid is not entitled to file a petition for sealing the record until at least seven years after the person is released from custody or the date when the person is no longer under a suspended sentence, whichever occurs later.

Roll call on Assembly Bill No. 48:

YEAS—21.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 68.

Bill read third time.

Remarks by Senator Brower.

This bill clarifies that the Commission on Judicial Discipline has jurisdiction over a former judge for past misconduct that occurred while serving as a sitting judge.

Roll call on Assembly Bill No. 68:

YEAS—21.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 114.

Bill read third time.

Remarks by Senators Brower and Segerblom.

SENATOR BROWER:

Assembly Bill No. 114 provides that a judgment requiring an adult defendant or the parent or guardian of a juvenile defendant in a criminal action to pay restitution does not expire until it is satisfied and allows an independent action to enforce a judgment to be commenced at any time.

SENATOR SEGERBLOM:

I rise in opposition to this bill. Extending the judgment forever for a juvenile who somehow did something wrong is inappropriate. Obviously, this going to impact people of color more than other people. It is going to impact people that are poor more than other people. Judgments are normally renewed every 6 years. A judgment that extends to 12, or even 20 years, perhaps, but to say for life, for a juvenile offense, is inappropriate so I oppose this bill.

Roll call on Assembly Bill No. 114:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Smith, Spearman, Woodhouse—10.

Assembly Bill No. 114 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 435 increases from 10 to 11 the number of judicial districts in the State. Lander, Mineral and Pershing Counties are removed from their existing districts and together constitute the Eleventh Judicial District. The Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over matters relating to the administration of the Humboldt River Decree, and the venue for any case or proceeding related to the Decree must be determined on an alternating basis between the two courts. This is ground breaking legislation to improve judicial administration in our State.

Roll call on Assembly Bill No. 435:

YEAS—21.

NAYS—None.

Assembly Bill No. 435 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 1:34 p.m.

#### SENATE IN SESSION

At 1:55 p.m.

President Hutchison presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Finance, to which were referred Assembly Bills Nos. 442, 465, 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. 507, 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 were re-referred Senate Bills Nos. 24, 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

BEN KIECKHEFER, *Chair*

*Mr. President:*

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 167, 248, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOSEPH P. HARDY, *Chair*

## SECOND READING AND AMENDMENT

Senate Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 737.

SUMMARY—Makes an appropriation to the Clark County School District to carry out a program of peer ~~evaluations~~ assistance and review of teachers. (BDR S-763)

AN ACT making an appropriation to the Clark County School District to carry out a program of peer ~~evaluations~~ assistance and review of teachers; requiring the Clark County School District to use the money to provide assistance to teachers in meeting the standards of effective teaching; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish a statewide performance evaluation system which includes a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching. (NRS 391.465) Existing law also requires the board of trustees of each school district to submit a report to the State Board and the Teachers and Leaders Council of Nevada concerning the implementation and effectiveness of the process for peer evaluations of teachers. (NRS 391.470) This bill appropriates money for Fiscal Year 2015-2016 and Fiscal Year 2016-2017 to the Clark County School District to carry out a program of peer ~~evaluations~~ assistance and review for teachers. This bill requires the Clark County School District to use the money to provide certain assistance to teachers in the School District in meeting the standards for effective teaching.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Clark County School District to carry out a program of peer ~~evaluations~~ assistance and review of teachers the following sums:

For the Fiscal Year 2015-2016..... \$1,000,000

For the Fiscal Year 2016-2017..... \$1,000,000

2. Any balance of the sums appropriated by subsection 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

3. Money appropriated pursuant to subsection 1 must be used to provide assistance to teachers in the Clark County School District in meeting the standards for effective teaching, including, without limitation, by:

(a) Conducting observations and peer ~~[evaluations;]~~ assistance and review; and

(b) Providing information and resources to teachers about strategies for effective teaching.

4. The sums appropriated by subsection 1:

(a) Must be accounted for separately from any other money received by the Clark County School District and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of the school district.

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment replaces the word "evaluation" with "assistance and review" which more accurately describes the PAR Program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

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

Amendment No. 752.

SUMMARY—Revises provisions governing alcohol, drug and gambling counselors. (BDR 54-388)

AN ACT relating to professions; transferring certain duties of the Secretary-Treasurer of the Board of Examiners for Alcohol, Drug and Gambling Counselors to the Executive Director of the Board; authorizing the Executive Director to delegate his or her duties; revising provisions governing alcohol, drug and gambling counselors and interns; ~~authorizing the certification by the Board of peer support specialists;~~ repealing the prospective transfer of the authority and duties relating to the certification of detoxification technicians to the Board; ~~establishing fees;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Alcohol, Drug and Gambling Counselors and authorizes the Board to license or certify persons engaged in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. (Chapter 641C of NRS)

~~[ Sections 1.3-1.5 of this bill provide for the certification of peer support specialists by the Board. Section 1.45 establishes the requirements for obtaining a certificate as a peer support specialist. Section 1.5 authorizes a certified peer support specialist to engage in the practice of providing peer support specialist services only under the supervision of certain licensed professionals. Section 1.45 requires an applicant for the issuance or renewal of a certificate as a peer support specialist to pay to the Board a fee which, pursuant to section 12.7 of this bill, must not exceed \$150 for the initial application or \$300 for the renewal of a certificate.]~~

Section 2 of this bill transfers certain duties of the Secretary-Treasurer of the Board to the Executive Director of the Board. Section 2 also authorizes the Executive Director to delegate certain duties to a designee.

Sections 3-10 of this bill make various changes regarding the requirements for obtaining and renewing a license or certificate as an alcohol, drug or gambling counselor or intern. Sections 8, 10 and 12 of this bill reduce the duration of certificates for certain counseling interns from 1 year to 6 months.

Section 13 of this bill authorizes the Board, when determining whether to issue, renew, restore, suspend, revoke or reinstate a license or certificate or imposing disciplinary action upon an existing licensee or certificate holder, to consider any original criminal charges filed against the applicant, licensee or certificate holder, even if that person was convicted of a lesser crime.

Section 14 of this bill eliminates the 30-day grace period authorizing an otherwise qualified person to engage in the practice of counseling alcohol and drug abusers or problem gamblers without a license or certificate while his or her application is being reviewed. Section 15 of this bill prohibits a person who is not licensed or certified by the Board from engaging in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. ~~[for the practice of providing peer support specialist services.]~~

Section 24 of this bill repeals the authority of the Board to provide for the certification of detoxification technicians. (NRS 641C.500) Sections 16-20 of this bill make conforming changes to account for the repeal of NRS 641C.500 regarding the certification of detoxification technicians by the Board. The effect of sections 16-20 and 24 is to leave the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 458 of NRS.

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

Section 1. ~~[NRS 641.029 is hereby amended to read as follows:~~

~~641.029 The provisions of this chapter do not apply to:~~

~~1. A physician who is licensed to practice in this State;~~

~~2. A person who is licensed to practice dentistry in this State;~~

- ~~— 3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;~~
- ~~— 4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;~~
- ~~— 5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;~~
- ~~— 6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;~~
- ~~— 7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor, [or] a problem gambling counselor intern [,] or a certified peer support specialist, pursuant to chapter 641C of NRS; or~~
- ~~— 8. Any member of the clergy;~~
- ~~— if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist. (Deleted by amendment.)~~

Sec. 1.1. ~~[NRS 641B.040 is hereby amended to read as follows:~~

- ~~— 641B.040 The provisions of this chapter do not apply to:~~
- ~~— 1. A physician who is licensed to practice in this State;~~
- ~~— 2. A nurse who is licensed to practice in this State;~~
- ~~— 3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;~~
- ~~— 4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;~~
- ~~— 5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;~~
- ~~— 6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;~~
- ~~— 7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor, or certified as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor, [or] a problem gambling counselor intern [,] or a certified peer support specialist, pursuant to chapter 641C of NRS;~~
- ~~— 8. Any member of the clergy;~~
- ~~— 9. A county welfare director;~~
- ~~— 10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or~~
- ~~— 11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be~~

designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.] (Deleted by amendment.)

Sec. 1.2. [Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 1.5, inclusive, of this act.] (Deleted by amendment.)

Sec. 1.3. [~~"Certified peer support specialist" means a person who is certified as a peer support specialist pursuant to the provisions of this chapter.~~] (Deleted by amendment.)

Sec. 1.4. [~~1. "Practice of providing peer support specialist services" means the practice of giving nonprofessional, nonclinical assistance, including, without limitation, mentoring, coaching, educating or serving as a role model, with the intent of achieving long term recovery from severe psychiatric, traumatic or addiction related stress by sharing appropriate portions of the person's own recovery from severe psychiatric, traumatic or addiction related stress.~~

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

~~(a) The diagnosis or treatment of a substance abuse, mental health, psychiatric or psychotic disorder; or~~

~~(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude or interests.~~] (Deleted by amendment.)

Sec. 1.45. [~~The Board shall issue a certificate as a peer support specialist to a person who:~~

~~1. Is not less than 21 years of age;~~

~~2. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~3. Has:~~

~~(a) A high school diploma; or~~

~~(b) A general equivalency diploma or an equivalent document;~~

~~4. Submits evidence satisfactory to the Board that the person has completed a training program approved by the Board and consisting of at least 16 hours of training, including, without limitation:~~

~~(a) Ten hours of training in each of the following domains, as they relate to the practice of providing peer support specialist services:~~

~~(1) Advocacy;~~

~~(2) Mentoring and education; and~~

~~(3) Recovery and wellness support; and~~

~~(b) Sixteen hours of training in the domain of confidentiality and ethical responsibility, as it relates to the practice of providing peer support specialist services;~~

~~5. Submits evidence satisfactory to the Board that the person has completed at least 25 hours of work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services, under the supervision of a person who normally provides~~

~~supervision of such work for the entity or organization for which the work is completed;~~

~~6. Submits, on a form prescribed by the Board, evidence satisfactory to the Board that the person has completed at least 500 hours of paid or volunteer work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services. The form must be signed by a person who normally provides supervision or management for the entity or organization for which the work is completed, attesting that the applicant has completed the paid or volunteer work required by this subsection;~~

~~7. If the person is in recovery from a mental health or substance abuse disorder, provides to the Board a statement attesting that the person remains in active recovery and that the disorder is stable or in sustained remission;~~

~~8. Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime of violence or a sexual offense as that term is defined in NRS 179.245;~~

~~9. If the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime other than a crime described in subsection 8, has been released from parole, probation or custody for at least 12 months before applying for certification;~~

~~10. Provides evidence satisfactory to the Board that the person has experienced the process of recovering from severe psychiatric, traumatic or addiction related stress and as a result is qualified to engage in the practice of providing peer support specialist services;~~

~~11. Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~12. Pays the fees required pursuant to NRS 641C.170; and~~

~~13. Submits all information required to complete an application for a certificate.] (Deleted by amendment.)~~

Sec. 1.5. ~~[1. A certificate as a peer support specialist is valid for 2 years and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate;~~

~~2. A certified peer support specialist may engage in the practice of providing peer support specialist services only under the supervision of a licensed clinical alcohol and drug abuse counselor, a licensed or certified alcohol and drug abuse counselor, a psychologist licensed pursuant to chapter 641 of NRS, a clinical professional counselor licensed pursuant to chapter 641A of NRS, a marriage and family therapist licensed pursuant to chapter 641A of NRS or a social worker licensed pursuant to chapter 641B of NRS.] (Deleted by amendment.)~~

Sec. 1.6. ~~[NRS 641C.010 is hereby amended to read as follows:~~

~~641C.010 The practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, [and] the practice of counseling problem gamblers and the practice of providing peer support~~



~~specialist services are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, [and] the practice of counseling problem gamblers and the practice of providing peer support specialist services by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers, licensed to engage in the clinical practice of counseling alcohol and drug abusers, [or] certified to engage in the practice of counseling problem gamblers [.] or certified to engage in the practice of providing peer support specialist services.] (Deleted by amendment.)~~

Sec. 1.7. ~~[NRS 641C.020 is hereby amended to read as follows:~~

~~641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, and sections 1.3 and 1.4 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 1.8. ~~[NRS 641C.040 is hereby amended to read as follows:~~

~~641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor, [or] a problem gambling counselor intern [.] or a peer support specialist.] (Deleted by amendment.)~~

Sec. 1.9. ~~[NRS 641C.150 is hereby amended to read as follows:~~

~~641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created:~~

~~2. The Board must consist of:~~

~~(a) Three members who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors pursuant to the provisions of this chapter.~~

~~(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.~~

~~(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.~~

~~(d) One member who is a representative of the general public. This member must not be:~~

~~(1) A licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor, [or] a certified problem gambling counselor [;] or a certified peer support specialist; or~~

~~(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor, [or] a certified problem gambling counselor [.] or a certified peer support specialist.~~

~~3. A person may not be appointed to the Board unless he or she is:~~  
~~(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and~~  
~~(b) A resident of this State.~~

~~4. No member of the Board may be held liable in a civil action for any act that he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter. (Deleted by amendment.)~~

Sec. 1.95. NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors ~~and~~ and certified interns; ~~and certified peer support specialists;~~ and

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written *and oral* examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

Sec. 2. NRS 641C.210 is hereby amended to read as follows:

641C.210 The ~~Secretary-Treasurer~~ *Executive Director* of the Board or *his or her designee* shall prepare and maintain:

1. A separate list of the names and addresses of:

- (a) The applicants for a license;
- (b) The applicants for a certificate;
- (c) The licensed counselors;
- (d) The certified counselors; and
- (e) The certified interns; ~~and~~

~~(f) The certified peer support specialists.~~

2. A record of each examination conducted by the Board.

3. An inventory of:

- (a) The property of the Board; and
- (b) The property of this State that is in the possession of the Board.

Sec. 3. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug

abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. Each applicant for a certificate as a problem gambling counselor must pass a written *and oral* examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. ~~Each applicant for a certificate as a peer support specialist must pass a written and oral examination concerning his or her knowledge of the practice of providing peer support specialist services, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.~~

~~5.7~~ The Board shall:

- (a) Examine applicants at least two times each year.
- (b) Establish the time and place for the examinations.
- (c) Provide such books and forms as may be necessary to conduct the examinations.
- (d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. ~~6.7~~ The Board may employ other persons to conduct the examinations.

Sec. 4. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board ~~shall~~ *may* issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor ~~or~~ *or* an alcohol and drug abuse counselor ~~for a peer support specialist~~ in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 5. NRS 641C.310 is hereby amended to read as follows:

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to , *or renew the license or certificate of*, an applicant if the Board determines that the applicant:

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ~~for~~ or the clinical practice of counseling alcohol and drug abusers ~~; for the practice of providing peer support specialist services;~~

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~for~~ or the clinical practice of counseling alcohol and drug abusers ~~; for the practice of providing peer support specialist services;~~

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~for~~ or the clinical practice of counseling alcohol and drug abusers ~~for the practice of providing peer support specialist services;~~ that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 6. NRS 641C.320 is hereby amended to read as follows:

641C.320 1. The Board may issue:

(a) A provisional license as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to NRS 641C.330; or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than ~~[1 year]~~ 6 months and may not be renewed.

Sec. 7. NRS 641C.331 is hereby amended to read as follows:

641C.331 1. A license as a clinical alcohol and drug abuse counselor is valid for ~~[1 year]~~ 2 years and may be renewed.

2. A licensed clinical alcohol and drug abuse counselor may:

(a) Engage in the clinical practice of counseling alcohol and drug abusers;  
 (b) Diagnose or classify a person as an alcoholic or abuser of drugs; and  
 (c) Supervise certified clinical alcohol and drug abuse counselor interns and alcohol and drug abuse counselor interns.

Sec. 8. NRS 641C.340 is hereby amended to read as follows:

641C.340 1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;  
 (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;  
 (c) Pays the fees required pursuant to NRS 641C.470;

(d) Submits proof to the Board that the person has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders; and

(e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for ~~1 year~~ *6 months* and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 9. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed ~~[at least 6 months]~~ 1,000 hours of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

Sec. 10. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) ~~Has:~~

~~— (1) A high school diploma; or~~

~~— (2) A general equivalency diploma or an equivalent document;~~

~~— (d) Pays the fees required pursuant to NRS 641C.470;~~

~~{(e)}~~ (d) Submits proof to the Board that the person:

(1) Is enrolled in a program ~~[from]~~ in which he or she ~~[will receive an associate's degree,]~~ has completed at least 60 hours of credit toward the completion of a bachelor's degree ~~[,]~~ in a field of social science approved by the Board;

(2) Is enrolled in a program from which he or she will receive a master's degree or doctoral degree in a field of social science approved by the Board; or

~~{(2)}~~ (3) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers in a field of social science approved by the Board; ~~[and]~~

(e) Has completed not less than 30 hours of training specific to alcohol and drug abuse which must:

(1) Include at least 6 hours of instructions relating to confidentiality and 6 hours of instruction relating to ethics; and

(2) Be approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for ~~[1 year]~~ 6 months and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

- (a) Engage in the practice of counseling alcohol and drug abusers; and
- (b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 11. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;
- (d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;
- (e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;
- (f) Passes the written *and oral* examination prescribed by the Board pursuant to NRS 641C.290;
- (g) Presents himself or herself when scheduled for an interview at a meeting of the Board;
- (h) Pays the fees required pursuant to NRS 641C.470; and
- (i) Submits all information required to complete an application for a certificate.

2. A person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Is licensed as:
  - (1) A clinical social worker pursuant to chapter 641B of NRS;
  - (2) A clinical professional counselor pursuant to chapter 641A of NRS;
  - (3) A marriage and family therapist pursuant to chapter 641A of NRS;
  - (4) A physician pursuant to chapter 630 of NRS;
  - (5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;
  - (6) A psychologist pursuant to chapter 641 of NRS;
  - (7) An alcohol and drug abuse counselor pursuant to this chapter; or
  - (8) A clinical alcohol and drug abuse counselor pursuant to this chapter;
- (d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;
- (e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;
- (f) Passes the written *and oral* examination prescribed by the Board pursuant to NRS 641C.290;
- (g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a certificate.

Sec. 12. NRS 641C.440 is hereby amended to read as follows:

641C.440 1. The Board may issue a certificate as a problem gambling counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Submits proof to the Board that the person:

(1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or

(2) Is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;

(d) Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

(e) Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him or her in a setting approved by the Board;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a certificate.

2. A certificate as a problem gambling counselor intern is valid for ~~[1 year]~~ 6 months and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that the person is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

(a) Engage in the practice of counseling problem gamblers; and

(b) Assess and evaluate a person as a problem gambler.

Sec. 12.3. ~~NRS 641C.460 is hereby amended to read as follows:~~

~~641C.460 1. A license or certificate that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after the license or certificate becomes delinquent, send a notice to the licensed or certified counselor or certified intern by certified mail, return receipt requested, to the address of the counselor or intern as indicated in the records of the Board.~~

~~2. A licensed or certified counselor, [or] certified intern or certified peer support specialist may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with~~



the requirements of NRS 641C.450 and paying, in addition to the fee for the renewal of the license or certificate, the fee for the renewal of a delinquent license or certificate prescribed in NRS 641C.470.

~~3. A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.~~

~~4. Except as otherwise provided in NRS 641C.530, a license or certificate that has expired may be restored if the applicant:~~

~~(a) Submits to the Board an application to restore the license or certificate;~~

~~(b) Pays the renewal fees for the period during which the license or certificate was expired and the fee for the restoration of a license or certificate prescribed in NRS 641C.470;~~

~~(c) Passes the oral and written examinations prescribed by the Board;~~

~~(d) Submits to the Board evidence of completion of the continuing education required by the Board; and~~

~~(e) Submits all information required to complete the application.] (Deleted by amendment.)~~

Sec. 12.7. [NRS 641C.470 is hereby amended to read as follows:

~~641C.470 1. The Board shall charge and collect not more than the following fees:~~

For the initial application for a license or Certificate .....	\$150
For the issuance of a provisional license or Certificate .....	125
For the issuance of an initial license or certificate .....	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor, [or] a certificate as a problem gambling counselor or a certificate as a peer support specialist .....	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern .....	75
For the renewal of a delinquent license or Certificate .....	75
For the restoration of an expired license or Certificate .....	150
For the restoration or reinstatement of a suspended or revoked license or certificate .....	300
For the issuance of a license or certificate without Examination .....	150
For an examination .....	150
For the approval of a course of continuing education .....	150

~~2. The fees charged and collected pursuant to this section are not refundable.] (Deleted by amendment.)~~

Sec. 13. NRS 641C.530 is hereby amended to read as follows:

641C.530 1. The Board may use any information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260 in determining whether:

(a) To issue, renew, restore, suspend, revoke or reinstate a license or certificate pursuant to this chapter; or

(b) Any ground for imposing any disciplinary action exists pursuant to NRS 641C.700.

2. Before renewing, restoring or reinstating the license or certificate of a licensed counselor, certified counselor ~~or~~ or certified intern ~~, for certified peer support specialist,]~~ the Board may, by regulation, require the licensed counselor, certified counselor ~~or~~ or certified intern ~~for certified peer support specialist]~~ to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. ~~[A regulation adopted pursuant to subsection 2 must set forth the circumstances under which the Board will require a detoxification technician to submit fingerprints and written authorization specified in that subsection before renewing, restoring or reinstating a certificate.] Except as otherwise provided in this subsection, in reviewing the information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260, the Board may consider any original charge filed against an applicant, licensed counselor, certified counselor ~~or~~ or certified intern ~~for certified peer support specialist]~~ that alleges a particular criminal act regardless of whether the person was convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge filed against an applicant, licensed counselor, certified counselor ~~or~~ or certified intern ~~for certified peer support specialist]~~ that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:~~

(a) The applicant, licensed counselor, certified counselor ~~or~~ or certified intern ~~for certified peer support specialist]~~ was found not guilty; or

(b) The charges against the applicant, licensed counselor, certified counselor ~~or~~ or certified intern ~~for certified peer support specialist]~~ were dismissed.

Sec. 13.3. ~~[NRS 641C.700 is hereby amended to read as follows:~~

~~641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:~~

~~1. Conviction of~~

~~(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, [or] the~~

~~practice of counseling problem gamblers [;] or the practice of providing peer support specialist services;~~

~~— (b) An offense involving moral turpitude; or~~

~~— (c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;~~

~~— 2. Fraud or deception in:~~

~~— (a) Applying for a license or certificate;~~

~~— (b) Taking an examination for a license or certificate;~~

~~— (c) Documenting the continuing education required to renew or reinstate a license or certificate;~~

~~— (d) Submitting a claim for payment to an insurer; or~~

~~— (e) The practice of counseling alcohol and drug abusers , [or] the clinical practice of counseling alcohol and drug abusers [;] or the practice of providing peer support specialist services;~~

~~— 3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;~~

~~— 4. Professional incompetence;~~

~~— 5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor , [or] certified intern or certified peer support specialist to engage in the practice of counseling alcohol and drug abusers , [or] the clinical practice of counseling alcohol and drug abusers [;] or the practice of providing peer support specialist services, as applicable;~~

~~— 6. Engaging in the practice of counseling alcohol and drug abusers , [or] the clinical practice of counseling alcohol and drug abusers or the practice of providing peer support specialist services with an expired, suspended or revoked license or certificate;~~

~~— 7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board; and~~

~~— 8. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

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

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

~~— This subsection applies to an owner or other principal responsible for the operation of the facility.] (Deleted by amendment.)~~

Sec. 13.7. [NRS 641C.720 is hereby amended to read as follows:

~~— 641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers , [or] the clinical practice of counseling alcohol and drug abusers or the practice of providing peer support specialist services in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.~~

~~2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor, [or] certified intern or certified peer support specialist has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:~~

~~(a) Administer a public reprimand;~~

~~(b) Suspend the license or certificate and impose conditions for the removal of the suspension;~~

~~(c) Revoke the license or certificate and prescribe the requirements for the reinstatement of the license or certificate;~~

~~(d) If he or she is a licensed or certified counselor, require him or her to be supervised by another person while engaging in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;~~

~~(e) Require him or her to participate in treatment or counseling and pay the expenses of that treatment or counseling;~~

~~(f) Require him or her to pay restitution to any person adversely affected by his or her acts or omissions;~~

~~(g) Impose a fine of not more than \$5,000; or~~

~~(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.~~

~~3. If a license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor, [or] certified intern or certified peer support specialist may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.~~

~~4. The Board shall not administer a private reprimand.~~

~~5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~6. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon. (Deleted by amendment.)~~

Sec. 14. NRS 641C.900 is hereby amended to read as follows:

641C.900 {1. Except as otherwise provided in subsection 2, a} A person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers ~~for~~ or the practice of counseling problem gamblers ~~for the practice of providing peer support specialist services~~ unless the person is a licensed counselor, certified counselor ~~for~~ or certified intern.

{2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor or the practice of counseling problem

~~gamblers under the supervision of a certified counselor for not more than 30 days if that person:~~

~~— (a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and~~

~~— (b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter. ~~or certified peer support specialist.~~~~

Sec. 15. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself or herself out to a member of the general public as a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor, an alcohol and drug abuse counselor intern, a problem gambling counselor ~~or~~ or a problem gambling counselor intern; ~~for a peer support specialist;~~

(b) Use the title "clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern," "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling ~~counselor,~~ "detoxification technician" ~~"peer support specialist"~~ counselor or any similar title in connection with his or her work; ~~or~~

(c) Imply in any way that he or she is licensed or certified by the Board ~~;~~

~~(d) Engage in the practice of counseling alcohol and drug abusers;~~

~~(e) Engage in the clinical practice of counseling alcohol and drug abusers; or~~

~~(f) Engage in the practice of counseling problem gamblers. ~~or~~~~

~~(g) Engage in the practice of providing peer support specialist services.~~

↪ unless the person is licensed or certified by the Board pursuant to the provisions of this chapter. ~~[or a regulation adopted pursuant to NRS 641C.500.]~~

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 15.3. ~~[NRS 200.5093 is hereby amended to read as follows:~~

~~200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:~~

~~— (a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:~~

~~— (1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;~~

~~— (2) A police department or sheriff's office;~~

~~— (3) The county's office for protective services, if one exists in the county where the suspected action occurred; or~~

~~— (4) A toll free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and~~

~~— (b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.~~

~~— 2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.~~

~~— 3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.~~

~~— 4. A report must be made pursuant to subsection 1 by the following persons:~~

~~— (a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, *certified peer support specialist*, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.~~

~~— (b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.~~

~~— (c) A coroner.~~

~~— (d) Every person who maintains or is employed by an agency to provide personal care services in the home.~~

~~— (e) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~—(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.~~

~~—(g) Any employee of the Department of Health and Human Services.~~

~~—(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.~~

~~—(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.~~

~~—(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.~~

~~—(k) Every social worker.~~

~~—(l) Any person who owns or is employed by a funeral home or mortuary.~~

~~—5— A report may be made by any other person.~~

~~—6— If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~—7— A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:~~

~~—(a) Aging and Disability Services Division;~~

~~—(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and~~

~~—(c) Unit for the Investigation and Prosecution of Crimes.~~

~~—8— If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.~~

~~—9— A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.~~

~~—10— As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes~~

~~Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.] (Deleted by amendment.)~~

~~Sec. 15.7. [NRS 200.50935 is hereby amended to read as follows:~~

~~200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:~~

~~(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.~~

~~2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~3. A report must be made pursuant to subsection 1 by the following persons:~~

~~(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, pediatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, *certified peer support specialist*, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.~~

~~(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.~~

~~(c) A coroner.~~

~~(d) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~(e) Any employee of the Department of Health and Human Services.~~

~~(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.~~

~~(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.~~

~~(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect,~~



~~exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.~~

~~(i) Every social worker.~~

~~(j) Any person who owns or is employed by a funeral home or mortuary.~~

~~4. A report may be made by any other person.~~

~~5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.~~

~~7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 16. Sections 14, 15 and 16 of chapter 207, Statutes of Nevada 2003, at pages 1168 and 1169, are hereby amended to read as follows:

Secs. 14-16. (Deleted by amendment.)

Sec. 17. Section 191 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 57, is hereby amended to read as follows:

Sec. 191. (Deleted by amendment.)

Sec. 18. Section 193 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 58, is hereby amended to read as follows:

Sec. 193. (Deleted by amendment.)

Sec. 19. Section 220 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 67, is hereby amended to read as follows:

Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.

2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2007.

~~[4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~

~~5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a~~

~~detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.]~~

Sec. 20. Section 69 of chapter 462, Statutes of Nevada 2013, at page 2746, is hereby amended to read as follows:

Sec. 69. 1. This section and sections 1, 2, 3, 5, 6, 7, 8 to 9.3, inclusive, 16.5 and 68 of this act become effective on July 1, 2013.

2. Sections 4, 7.1 to 7.9, inclusive, 13 to 16, inclusive, and 17 to 67, inclusive, of this act become effective:

(a) On July 1, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

~~[3. Section 29 of this act expires by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for certification as a detoxification technician pursuant to NRS 641C.500 becomes effective.]~~

Sec. 21. 1. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

2. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 22. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used.

Sec. 23. The amendatory provisions of sections 6, 7, 8 and 12 of this act, and the provisions of subsection 2 of NRS 641C.420 as amended by section 10 of this act, do not apply to the length of time a license or certificate is valid if the license or certificate is issued pursuant to the provisions of chapter 641C of NRS before July 1, 2015.

Sec. 24. NRS 641C.500 is hereby repealed.

Sec. 25. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

641C.500 Adoption of regulations governing certification; scope of regulations; prohibitions; inapplicability of certain provisions of chapter.

1. The Board may, by regulation, provide for the certification of a person as a detoxification technician.

2. Any regulation adopted pursuant to subsection 1 must be consistent with the provisions of chapter 622A of NRS and must include, without limitation, provisions relating to:

(a) The requirements for submitting an application for a certificate, including, without limitation, the submission of a complete set of fingerprints pursuant to NRS 641C.260;

(b) The scope of practice for a person who is issued a certificate;

(c) The conduct of any investigation or hearing relating to an application for a certificate;

(d) The examination of an applicant for a certificate or a waiver of examination for an applicant;

(e) The requirements for issuing a certificate or provisional certificate;

(f) The duration, expiration, renewal, restoration, suspension, revocation and reinstatement of a certificate;

(g) The grounds for refusing the issuance, renewal, restoration or reinstatement of a certificate;

(h) The conduct of any disciplinary or other administrative proceeding relating to a person who is issued a certificate;

(i) The filing of a complaint against a person who is issued a certificate;

(j) The issuance of a subpoena for the attendance of witnesses and the production of books, papers and records;

(k) The payment of fees for:

(1) Witnesses, mileage and attendance at a hearing or deposition; and

(2) The issuance, renewal, restoration or reinstatement of a certificate;

(l) The imposition of a penalty for a violation of any provision of the regulations; and

(m) The confidentiality of any record or other information maintained by the Board relating to an applicant or the holder of a certificate.

3. A person shall not engage in any activity for which the Board requires a certificate as a detoxification technician pursuant to this section unless the person is the holder of such a certificate.

4. In addition to the provisions of subsection 2, a regulation adopted pursuant to this section must include provisions that are substantially similar to the requirements set forth in NRS 641C.280 and 641C.710. Any provision included in a regulation pursuant to this subsection remains effective until the provisions of NRS 641C.280 and 641C.710 expire by limitation.

5. Except as otherwise provided in this section and NRS 641C.900, 641C.910 and 641C.950, the provisions of this chapter do not apply to the holder of a certificate that is issued in accordance with a regulation adopted pursuant to this section.

6. As used in this section, "detoxification technician" means a person who is certified by the Board to provide screening for the safe withdrawal from alcohol and other drugs.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 752 makes several changes to Assembly Bill No. 85. The amendment deletes provisions throughout the bill that pertain to or reference "certified peer support specialist."

Amendment adopted.

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

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 848.

SUMMARY—Provides for the establishment of the State Seal of Biliteracy Program. (BDR 34-526)

AN ACT relating to education; providing for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English by affixing the State Seal of Biliteracy to the diploma and noting the receipt of the State Seal of Biliteracy on the transcript of each pupil who meets certain requirements. Section 3 of this bill prescribes the requirements that a pupil must meet in order to be awarded the State Seal of Biliteracy.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Superintendent of Public Instruction shall establish a State Seal of Biliteracy Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in one or more languages in addition to English.*

2. *The Superintendent of Public Instruction shall:*

(a) *Create a State Seal of Biliteracy that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and*

(b) *Deliver the State Seal of Biliteracy to each school district, charter school and university school for profoundly gifted pupils that participates in the program.*

3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Biliteracy Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.

4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program shall:

(a) Identify the pupils who have met the requirements to be awarded the State Seal of Biliteracy; and

(b) Affix the State Seal of Biliteracy to the diploma and note the receipt of the State Seal of Biliteracy on the transcript of each pupil who meets those requirements.

5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.

Sec. 3. A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:

1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;

2. Passes the end-of-course examinations in English language arts required pursuant to NRS 389.805;

3. Demonstrates proficiency in one or more languages other than English:

(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or

(b) By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and

4. If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment clarifies that the State Seal of Biliteracy will be noted on a student's transcript, rather than affixed to it.

Amendment adopted.

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

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:  
Amendment No. 803.

SUMMARY—Requires the Legislative Committee on Education to consider matters relating to certain mentorship programs. (BDR S-116)

AN ACT relating to education; requiring the Legislative Committee on Education to consider guidelines, parameters and financial plans for certain mentorship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Legislative Committee on Education. The Committee meets during the legislative interim to evaluate, review and comment upon issues related to education in this State. (NRS 218E.600-218E.615) This bill requires the Committee, during the 2015-2016 legislative interim, to consider guidelines, parameters and financial plans for certain mentorship programs in this State to aid in addressing issues relating to education, college and career readiness, health, criminal justice and employment with respect to children residing in this State, including, without limitation, children who are disproportionately at risk of: (1) being deprived of the opportunity to develop and maintain a competitive position in the economy; (2) failing to make adequate yearly progress in school; or (3) entering the juvenile justice system.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. 1. As part of its review of issues related to education during the 2015-2016 legislative interim, the Legislative Committee on Education created by NRS 218E.605 shall consider guidelines, parameters and financial plans for mentorship programs that are established or may be established in this State to address issues relating to education, college and career readiness, health, criminal justice and employment with respect to school-age children, including, without limitation, children who are disproportionately at risk of:

(a) Being deprived of the opportunity to develop and to maintain a competitive position in the economy;

(b) Failing to make adequate yearly progress in school; or

(c) Entering the juvenile justice system.

2. Not later than February 6, 2017, the Committee shall prepare and submit a written report to the Director of the Legislative Counsel Bureau, for transmittal to the 79th Session of the Nevada Legislature, concerning the Committee's consideration of the matters described in this section and any recommendations for legislation.

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment adds planning for college and career readiness to the issues addressed by mentorship programs.

Amendment adopted.

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

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 802.

SUMMARY—Revises provisions relating to certain notices provided to the parent or guardian or a pupil who attends a public school. (BDR 34-740)

AN ACT relating to education; requiring ~~certains notices provided by~~ a principal at a public school to provide certain information to the parent or guardian of a pupil who was included in a report of bullying or who school authorities believe has certain issues relating to ~~the~~ his or her health ~~for bullying of the pupil to include a list of~~ regarding resources that may be available in the community for the pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of a public school or his or her designee to provide written notice to the parent or legal guardian of any pupil involved in a bullying or cyber-bullying incident on the premises of the school, at an activity sponsored by the school or on a school bus. (NRS 388.135, 388.1351) Section 1 of this bill requires the principal of a public school or his or her designee to provide a list of any resources that may be available in the community to assist a pupil to each parent or legal guardian of a pupil to whom written notice was provided, if such information is available.

Existing law also requires public school authorities to notify the parent or guardian of a child who is found or believed to have scoliosis, any visual or auditory problems or any gross physical defect. (NRS 392.420) ~~This~~ Section 2 of this bill requires any written notice required pursuant to these provisions to include a list of any resources that may be available in the community to ~~assist the pupil or~~ provide appropriate medical attention, if such information is available.

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

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, ~~a~~ ~~f~~

~~(a) A~~ statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil ~~;~~ and

~~(b) To the extent that information is available, a list of any resources that may be available in the community to assist the pupil, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.~~

3. The investigation ~~conducted pursuant to subsection 2~~ must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

~~{3}~~ 4. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

5. To the extent that information is available, the principal or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

Sec. 2. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical



defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

- (1) Before the completion of the first year of initial enrollment in elementary school;
- (2) In at least one additional grade of the elementary schools; and
- (3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

↪ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

- (a) Is enrolled in a special program;
- (b) Is repeating a grade;
- (c) Has failed an examination for a visual or auditory problem during the previous school year; or
- (d) Shows in any other way that the child may have such a problem.

4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. *Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.*

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment conforms the bills notice requirements with the language already contained in Senate Bill No. 504.

Amendment adopted.

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

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Assembly Bill No. 238 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 295.

Bill read second time.

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

Amendment No. 831.

SUMMARY—Revises provisions relating to the provision of certain wellness services. (BDR 5-698)

AN ACT relating to healing arts; limiting the scope of services which may be performed by providers of wellness services; requiring certain disclosures by such providers; defining "wellness services"; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the licensing, certification and registration of various providers of health care, including, without limitation, physicians, homeopathic physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635 of NRS) Section 3 of this bill limits the scope of services which may be performed by a provider of wellness services, which are not regulated by this State, by prohibiting those providers of wellness services from providing certain services which may only be provided by a licensed provider of health care. The term "wellness services" is defined in section 3 to mean certain therapies and practices and the provision of certain products based on certain complementary health treatment approaches. Section 3 also requires providers of wellness services to make certain disclosures to their clients and retain copies of signed disclosures for a period of not less than 5 years.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:*

*(a) Performs surgery or any other procedure which punctures the skin of any person;*

*(b) Sets a fracture of any bone of any person;*

*(c) Prescribes or administers X-ray radiation to any person;*

*(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;*

*(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;*

*(f) Makes a diagnosis of a medical disease of any person;*

*(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;*

*(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;*

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060; or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) ~~A statement [recommending that the client notify his or her providers of health care of the wellness services he or she is to receive.] in substantially the following form:~~

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➔ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

*(d) Do not read or speak English or any other language in which the statement is written.*

*4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.*

*5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.*

*6. This section does not apply to or control:*

*(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.*

*(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.*

*(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.*

*(d) A medical assistant as that term is defined in NRS 630.0129 and 633.075 ~~+~~, an advanced practitioner of homeopathy as that term is defined in NRS 630A.015 or a homeopathic assistant as that term is defined in NRS 630A.035.*

*7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:*

*(a) Anthroposophy.*

*(b) Aromatherapy.*

*(c) Traditional cultural healing practices.*

*(d) Detoxification practices and therapies.*

*(e) Energetic healing.*

*(f) Folk practices.*

*(g) Gerson therapy and colostrum therapy.*

*(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.*

*(i) Herbology and herbalism.*

*(j) Reflexology and Reiki.*

*(k) Mind-body healing practices.*

*(l) Nondiagnostic iridology.*

*(m) Noninvasive instrumentalities.*

*(n) Holistic kinesiology.*

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

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 831 makes three changes to Assembly Bill No. 295. The amendment: 1) requires a wellness services provider, who is not licensed, certified or registered in this State and who is advertising or charging a fee for wellness services, to disclose to each client in a plainly worded written statement that he or she notify his or her licensed medical professional or other providers of health care the plan to utilize wellness services; 2) adds homeopathic medicine and podiatry to those services that may only be provided by a licensed provider of health care; and 3) adds to section 6 that it does not apply to or control a homeopathic assistant and an advanced practitioner of homeopathy.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 185.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 185 requires, in a county whose population is 100,000 or more but less than 700,000 that the entity that is responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire to respond to and take all actions necessary to suppress the fire regardless of whether the location of the fire falls within the territory served by the entity.

Roll call on Senate Bill No. 185:

YEAS—20.

NAYS—Segerblom.

Senate Bill No. 185 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291.

Bill read third time.

Remarks by Senators Roberson and Segerblom.

SENATOR ROBERSON:

Senate Bill No. 291 provides that, at the initial presentation of a case, a plaintiff may claim the full amount of past and future medical expenses charged or to be charged by a health care provider or medical facility. A judge or other fact finder shall return a verdict or award based on that claim. Within ten days after the verdict or award is entered, a defendant may file a motion to reduce the award and the court shall reduce the award if the defendant proves by a preponderance of the evidence that: 1) the verdict or award includes expenses that are covered by a health insurance policy or other third party contract, if the amount charged by a health care provider or a medical facility is greater than the amount to which the entity is entitled under the contract; and 2) the insurer or other party actually pay the amount provided for in the contract. Before, reducing any award, the court must take into consideration any lien or subrogated amount owed by the plaintiff to an insurer or third party, as well as the costs and attorney's fees incurred by the plaintiff for the policy or contract for the year in which the injury or death occurred. A court may increase these awards by these amounts. Amounts paid for treatment by a health care provider or medical facility on a lien to a dead or injured person may not be included in the course consideration of the final award. A defendant may not introduce evidence concerning the sale or transfer of such a lien to a third party unless the payment obligations to the dead or injured person are full extinguished. These provisions apply to a cause of action that accrues on or after October 1, 2015: the effective date of this bill.

SENATOR SEGERBLOM:

I rise in opposition of this bill. This is another one of those bills that creates a "reverse Robin Hood." You are giving money to the insurance company and taking away from the poor plaintiff who has been injured. The current law works fine. It compensates plaintiffs who are victimized, and this is going to reduce the amount of the monetary award they might get. There is no offset. The insurance companies have not said, well, if you do this, we are going to reduce your rates. Basically, this is just putting money in the insurance company's pocket and taking out of the plaintiffs pocket. I oppose it for these reasons.

Roll call on Senate Bill No. 291:

YEAS—15.

NAYS—Kihuen, Parks, Segerblom, Smith, Spearman, Woodhouse—6.

Senate Bill No. 291 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 2:34 p.m.

#### SENATE IN SESSION

At 2:40 p.m.

President Hutchison presiding.

Quorum present.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 167.

Bill read second time.

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

Amendment No. 786.

SUMMARY—Authorizes the storage and carrying of firearms and ammunition on the premises of a family foster home or by certain persons who reside in a family foster home under certain circumstances. (BDR 38-234)

AN ACT relating to foster care; authorizing the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances; authorizing certain persons to carry a firearm on their person while ~~off of the premises of a family foster home~~ in the presence of a foster child in certain circumstances; providing that an agency which provides child welfare services is immune from liability for any injury caused by a firearm on the premises of a family foster home; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to establish requirements for the licensure of family foster homes, specialized foster

homes, independent living foster homes and group foster homes. (NRS 424.020) Existing regulations require all weapons on the premises of a foster home to be unstrung and unloaded at all times when children are in the home and stored in locked containers or rooms out of the reach of children or made inoperable. Ammunition is required to be kept in a separate locked container and weapons may not be transported in a vehicle in which children are riding unless the weapons are made inoperable and inaccessible. (NAC 424.600) This bill authorizes a person lawfully in possession of a firearm or ammunition to ~~store~~ possess the firearm or ammunition on the premises of a family foster home if it is stored in a locked secure storage container ~~+~~ except when used for certain lawful purposes or to clean or service the firearm. This bill requires any key, combination or access code to the locked storage container to be kept in the reasonably secure possession of an adult or in a locked combination or biometric safe. This bill also authorizes a provider of family foster care or other person who resides in a family foster home to carry a firearm on his or her person while ~~off of the premises of a family foster home but~~ in the presence of a foster child if: (1) the firearm is kept in a holster; (2) the firearm is carried in a manner which ensures that the firearm is inaccessible to the foster child ~~if~~ and is in the possession or control of the provider or other person; and (3) the provider or other person is a law enforcement officer or has a permit to carry a concealed firearm. Finally, this bill provides that an agency which provides child welfare services is immune from liability for any injury caused by a firearm that is stored on the premises of a family foster home or carried by a provider of family foster care or any other person who resides in a family foster home.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~44~~ Except as otherwise provided in subsection 3, a person who is lawfully in possession of a firearm or ammunition may ~~store~~ possess the firearm, whether loaded or unloaded, or ammunition while on the premises of a family foster home but must store the firearm in a locked secure storage container ~~+~~ except when used for a lawful purpose which may include, without limitation, for an educational or recreational purpose, for hunting, for the defense of a person or property, or to clean or service the firearm.

2. A person who stores a firearm or ammunition on the premises of a family foster home in a locked secure storage container as required pursuant to subsection 1 shall ensure that any key, combination or access code to the locked secure storage container is kept in the reasonably secure possession of an adult or a locked combination or biometric safe.

3. A provider of family foster care or any other person who resides in a family foster home may carry a firearm on his or her person, including, without limitation, in a purse, bag, briefcase or other similar means, while ~~off of the premises of the family foster home but~~ in the presence of a foster



child, including, without limitation, while operating or riding in a motor vehicle, if ~~the~~ :

(a) The firearm is kept in a holster;

(b) The provider or other person carries the firearm in a manner which ensures that the firearm is inaccessible to any foster child and is in the possession and control of the provider or other person; and ~~the~~

(c) The provider or other person is a person who:

~~(a)~~ (1) Is listed in paragraph (a) of subsection 4 of NRS 202.350; or

~~(b)~~ (2) Has been issued a permit to carry a concealed firearm pursuant to NRS 202.3653 to 202.369, inclusive.

~~3.~~ 4. An agency which provides child welfare services is immune from civil and criminal liability for any injury resulting from the use of a firearm or ammunition that is stored on the premises of a family foster home or is carried by a provider of family foster care or any other person who resides in a family foster home.

5. As used in this section:

(a) "Firearm" has the meaning ascribed to it in NRS 202.253.

(b) "Secure storage container" means any device, including, without limitation, a safe, gun safe, secure gun case or lock box, that is marketed commercially for storing a firearm or ammunition and is designed to be unlocked only by means of a key, a combination, a biometric lock or other similar means.

Sec. 2. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, and section 1 of this act do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~[-]~~, and section 1 of this act.

Sec. 3. Any regulations adopted pursuant to NRS 424.020 that conflict with section 1 of this act are void.

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

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 786 to Assembly Bill No. 167 provides that a person lawfully in possession of a firearm or ammunition may possess the firearm or ammunition on the premises of a family foster home if it is stored in a locked, secure storage container, except when used for certain lawful purposes or to clean or service the firearm; and requires any key, combination or access code to the locked storage container be kept in the reasonably secure possession of an adult or in a locked combination or biometric safe.

It also authorizes a provider of family foster care, or other person who resides in a family foster home, to carry a firearm on his or her person while in the presence of a foster child if: the firearm is kept in a holster; the firearm is carried in a manner which ensures that it is inaccessible to the foster child and is in the possession or control of the provider or other person; and the provider or other person is a law enforcement officer or has a permit to carry a concealed firearm.

Finally, the amendment specifies that an agency which provides child welfare services is immune from liability for any injury caused by a firearm that is stored on the premises of a family foster home or carried by a provider of family foster care or any other person who resides in a family foster home.

Amendment adopted.

Senator Roberson moved that the bill be placed on the Secretary's desk, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Secretary's desk.

Assembly Bill No. 248.

Bill read second time.

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

Amendment No. 769.

SUMMARY—Revises provisions governing reporting of information by physicians to the Department of Motor Vehicles concerning patients with epilepsy. (BDR 40-930)

AN ACT relating to public health; ~~authorizing~~ requiring physicians, under certain circumstances, to report to the Department of Motor Vehicles certain information regarding patients who have epilepsy; abolishing certain duties of physicians to report certain patient information; requiring physicians to inform certain patients with epilepsy of the dangers of operating a motor vehicle; providing that certain reports and statements provided to the Department concerning patients with epilepsy are not subject to the doctor-patient privilege under certain circumstances; providing that a cause of action may not be brought against a physician for failing to report such information to the Department ~~if~~ in circumstances where reporting is not required; providing that a cause of action may not be brought against a physician for reporting certain information regarding patients who have

epilepsy to the Department except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) a physician to report immediately to the Division of Public and Behavioral Health of the Department of Health and Human Services, in writing, the name, age and address of every person diagnosed as a case of epilepsy, as defined by the State Board of Health; and (2) the Division to report this information to the Department of Motor Vehicles. (NRS 439.270) Section 1 of this bill abolishes these duties and the requirement that the State Board define the term "epilepsy." Instead, section 1 requires a physician who determines that a patient's epilepsy severely impairs the ability of ~~the~~ the patient to safely operate a motor vehicle to notify such a patient of this determination and ~~obtain from the patient a signed statement acknowledging the notification. If the patient refuses to sign an acknowledgment, section 1 requires the physician to~~ sign a written statement verifying that the physician provided the required notification. Section 1 ~~authorizes~~ requires a physician ~~upon the request of the Department of Motor Vehicles,~~ to provide a copy of the ~~acknowledgment or~~ statement to the Department of Motor Vehicles within 15 days after determining that a patient's epilepsy severely impairs the ability of the patient to operate a motor vehicle.

Section 4 of this bill prohibits a person with epilepsy from operating a motor vehicle if the person has been informed by a physician that his or her condition would severely impair his or her ability to safely operate a motor vehicle. Section 4 authorizes a physician who is aware that a person with epilepsy has violated this provision to submit, without the person's consent, a written report to the Department of Motor Vehicles that includes the name, address and age of the person.

Section 2 of this bill provides that a person who has been informed by a physician that his or her condition would severely impair his or her ability to safely operate a motor vehicle has no privilege to prevent a physician from disclosing this information to the Department of Motor Vehicles.

Sections 1 and 4 provide that the Department of Motor Vehicles may only use such information to determine whether a person is eligible to operate a motor vehicle in this State. Sections 1 and 4 also provide that no cause of action may be brought against a physician: (1) for failing to provide such information to the Department ~~in any circumstance where the provision of such information is not required;~~ or (2) for providing such information to the Department, unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

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

Section 1. NRS 439.270 is hereby amended to read as follows:

439.270 1. ~~The State Board of Health shall define epilepsy for the purposes of the reports hereinafter referred to in this section.~~

~~2. All physicians shall report immediately to the Division, in writing, the name, age and address of every person diagnosed as a case of epilepsy.~~

~~3. The Division shall report, in writing, to the Department of Motor Vehicles the name, age and address of every person reported to it as a case of epilepsy.~~

~~4. Except as otherwise provided in NRS 239.0115, the reports are for the information of the Department of Motor Vehicles and must be kept confidential.] If a physician determines that, in his or her professional judgment, a patient's epilepsy severely impairs the ability of the patient to safely operate a motor vehicle, the physician shall:~~

~~(a) Adequately inform the patient of the dangers of operating a motor vehicle with his or her condition until such time as the physician or another physician informs the patient that the patient's condition does not severely impair the ability of the patient to safely operate a motor vehicle. ~~and~~~~

~~(b) ~~Except as otherwise provided in subsection 2:~~~~

~~(1) Require the patient to sign a statement acknowledging that he or she has been informed by the physician of the dangers of operating a motor vehicle with his or her condition; and~~

~~(2) Retain the original signed statement and provide a copy of the signed statement to the patient.~~

~~2. If a patient refuses to sign a statement pursuant to paragraph (b) of subsection 1, the physician shall sign.] Sign a written statement verifying that the physician informed the patient of all material facts and information required by paragraph (a). ~~of subsection 1.] The physician shall, to the extent practicable, provide a copy of the statement signed by the physician to the patient.~~~~

~~3. A statement signed by a patient pursuant to subsection 1 or a] The statement signed by ~~the~~ the physician pursuant to ~~subsection 2] this paragraph shall be deemed a health care record, as defined in NRS 629.021.~~~~

~~4. A physician may, upon the request of the Department, provide]~~

~~(c) Within 15 days after making such a determination, provide to the Department a copy of ~~the~~ the statement signed by ~~a patient pursuant to subsection 1 or a statement signed by] the physician pursuant to subsection 2.] paragraph (b). A statement received by the Department pursuant to this ~~subsection:] paragraph:~~~~~~

~~(a) (1) Is confidential, except that the contents of the statement may be disclosed to the patient; and~~

~~(b) (2) May be used by the Department solely to determine the eligibility of ~~any person] the patient to operate a vehicle on the streets and highways of this State.~~~~

~~5. A violation of this section is a misdemeanor. The provision by a physician of a copy of a statement pursuant to subsection 4 is solely within his or her discretion.]~~

~~2. Except as otherwise provided in subsection 1, a physician is not required to notify the Department about a patient who has been diagnosed~~

*with epilepsy. No cause of action may be brought against a physician based on the fact that he or she did not ~~provide such a copy.~~*

~~6.]~~ *notify the Department about a patient who has been diagnosed with epilepsy unless the physician does not comply with the requirements set forth in subsection 1.*

~~3.]~~ *No cause of action may be brought against a physician based on the fact that he or she provided a copy of a statement pursuant to subsection ~~4]~~ 1 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.*

~~7.]~~ *4.] As used in this section:*

(a) "Department" means the Department of Motor Vehicles.

(b) "Patient" means a person who consults or is examined or interviewed by a physician for the purposes of diagnosis or treatment.

Sec. 2. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

3. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

4. In a prosecution or mandamus proceeding under chapter 441A of NRS.

5. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

6. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

7. As to records that are required by chapter 453 of NRS to be maintained.

8. *As to reports made to the Department of Motor Vehicles pursuant to subsection 2 of section 4 of this act and any statements provided to the Department pursuant to NRS 439.270.*

9. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

Sec. 3. 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, 711.600, and section 4 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. 4. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person with epilepsy shall not operate a motor vehicle if that person has been informed by a physician pursuant to NRS 439.270 that his or her condition would severely impair his or her ability to safely operate a motor vehicle.*

2. *If a physician is aware that a person has violated subsection 1 after the physician has informed the person pursuant to NRS 439.270 that the person's condition would severely impair his or her ability to safely operate a motor vehicle, the physician may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:*

*(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and*

*(b) ~~May include the statement maintained by the physician pursuant to subsection 3 of NRS 439.270; and~~*

*~~(c) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.~~*

3. *The submission by a physician of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a physician based on the fact that he or she did not submit such a report.*

4. *No cause of action may be brought against a physician based on the fact that he or she submitted a report pursuant to subsection 2 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.*

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 769 to Assembly Bill No. 248 removes the requirement that a physician require certain patients to sign a statement acknowledging that he or she has been informed by the physician of the dangers of operating a motor vehicle in his or her condition. Instead, the physician would sign a statement verifying that he or she has informed the patient, provide a copy to the patient, include the statement in the patient's health records and provide a copy of the statement to the Department of Motor Vehicles (DMV).

It requires a physician who determines that a patient's epilepsy severely impairs the ability of the patient to safely operate a motor vehicle to submit a copy of the statement described above to the DMV within 15 days after making such a determination.

It provides that a cause of action may be brought against a physician who fails to submit a copy of the statement, mentioned above, within the specified timeframe.

Finally, it provides that a physician is not required to report a patient's epilepsy to the DMV in any other circumstance and that no cause of action may be brought against a physician who does not report a patient's epilepsy to the DMV in any other circumstances.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 24 allows the Nevada National Guard and Nevada Air National Guard members to use their military wages to establish an unemployment claim. Additionally, the bill allows the administrator of the Employment Security Division (ESD) of the Department of Training and Rehabilitation, by cooperative agreement, to provide employment and wage information to the Board of Regents, Nevada System of Higher Education, in order to facilitate the required longitudinal data system. The bill revises the requirement that limits the elective



base period for filing an unemployment insurance claim by a person who has received benefits for a temporary disability or money for rehabilitation services.

The bill also extends the period the Administrator of the ESD may recover any over payment of benefits in cases involving fraud, misrepresentation or willful non-disclosure from five years to ten years.

Finally, the bill expands the circumstances considered an act of fraud to include the failure by an individual to disclose at the time of filing for or receiving unemployment insurance benefits that the individual had filed a claim or received any compensation for a disability or money for rehabilitative services.

Roll call on Senate Bill No. 24:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 76.

Bill read third time

Remarks by Senator Kieckhefer.

Senate Bill No. 76 revises the Nevada Western Interstate Commission of Higher Education Compact to include states and territories that have been added after 1969. The bill authorizes the Nevada State Commissioners to adopt regulations and to delegate certain authority to carry out the provisions in Nevada law governing the Western Regional Education Compact. Additionally, the bill authorizes the Commissioners to choose and certify applicants for certain programs administered by the Commission.

The bill also allows program participants in certain medical professions to qualify for loan forgiveness if their practice after graduation serves certain medically underserved populations or areas, or health professional shortage areas, within Nevada.

Finally, the bill modifies and caps the permissible amount of loan forgiveness. This bill becomes effective on July 1, 2015.

Roll call on Senate Bill No. 76:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 76 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 507.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 507 authorizes the Board of Economic Development and the Executive Director of the Office of Economic Development to approve and issue transferable tax credits to new or expanding businesses in Nevada to promote the economic development of this State. The bill limits the amount of transferrable tax credits the Board and the Executive Director may issue to \$500,000 in FY 2016, \$2 million in FY 2017 and \$5 million for each fiscal year thereafter.

Senate Bill No. 507 also revises existing provisions governing economic development to account for the new provisions regarding the issuance of transferable tax credits and clarifies existing provisions governing grants or loans from the Catalyst Account so that those provisions

are consistent with the new provisions regarding the issuance of transferable tax credits. The bill also expands the Executive Director's annual report to the Governor and the Legislative Branch regarding the Catalyst Account to include information regarding the issuance of transferable tax credits to new or expanding businesses.

The bill permits a county or an incorporated city whose application for a grant or loan from the Catalyst Account was approved before the effective date of this bill to surrender the grant or loan, or any portion thereof, in exchange for the issuance of transferable tax credits upon such terms and conditions as agreed to by the Executive Director and the parties to any contracts involving the grant or loan. Senate Bill No. 507 becomes effective upon passage and approval.

Roll call on Senate Bill No. 507.

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 507 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 164.

Bill read third time.

Remarks by Senator Hardy.

This particular bill is what we call a "right to try" and authorizes a manufacturer to provide or make available an investigational drug, biological product or device to a patient diagnosed with a terminal condition that without the administration of life-sustaining treatment will result in death within one year if a physician prescribes or recommends such drugs, products or devices after certain conditions are met. An investigational drug, biological product or device is defined as one that: 1) has successfully completed Phase 1 of a clinical trial; 2) has not been approved by the United States Food and Drug Administration (FDA); and 3) is currently being tested in a clinical trial approved by the FDA. An informed, written consent must be signed by the patient that contains certain information on potential consequences of the use of investigational drugs, products or devices.

A physician or professional nurse is not subject to disciplinary action for prescribing or recommending such drugs, products or devices when authorized to do so. The bill exempts a physician or any person or governmental entity from the misdemeanor penalty otherwise imposed against a person who engages in certain acts related to investigational drugs or biological products. Also, the bill makes it a misdemeanor for any officer, employee or agent of the State to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 164:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 164 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 442.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 442 appropriates \$7,150 from the State General Fund to the Office of the Lieutenant Governor to fund leave payouts as a result of a staff member's retirement in the

Lieutenant Governor's Office and travel costs associated with the 2015 Legislative Session. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 442:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 442 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 465.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 465 appropriates \$20,000 from the State General Fund to the Nevada Highway Patrol Division of the Department of Public Safety for projected costs of visiting dignitary protection assignments. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 465:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 465 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS  
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 13.

The following Assembly amendment was read.

Amendment No. 675.

SUMMARY—Revises provisions relating to the provision of public education to pupils with disabilities. (BDR 34-311)

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

Legislative Counsel's Digest:

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

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

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

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

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

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

388.440 As used in NRS 388.440 to 388.5317, inclusive:

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

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

and

(e) Communication with assistive technology devices.

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

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

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

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

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

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

Sec. 2. (Deleted by amendment.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

388.520 1. The Department shall:

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

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

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

3. The State Board:

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

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

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

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

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

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Intellectual disabilities.

(f) Multiple impairments.

(g) ~~†Serious emotional†~~ *Emotional* disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

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

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

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

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

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

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

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

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

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

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

Senator Harris moved that the Senate concur in Assembly Amendment No. 675 to Senate Bill No. 13.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 127.

The following Assembly amendment was read.

Amendment No. 687.

SUMMARY—Revises provisions relating to the Department of Motor Vehicles. (BDR 43-601)

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

Legislative Counsel's Digest:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. This act becomes effective:

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

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

(a) January 1, 2016; or

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

Senator Hammond moved that the Senate concur in Assembly Amendment No. 687 to Senate Bill No. 127.

Remarks by Senator Hammond.

Amendment No. 687 to Senate Bill No. 127 changes the effective date of the bill from October 1, 2015, to upon passage and approval for purposes of performing preparatory administrative tasks necessary to carry out the provisions of the bill, and for all other purposes, the earlier of January 1, 2016, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 156.

The following Assembly amendment was read.

Amendment No. 688.

SUMMARY—Makes various changes concerning motor vehicles. (BDR 43-11)

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

Legislative Counsel's Digest:

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

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

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

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

1. *Except as otherwise provided in ~~subsection~~ subsections 4 ~~f~~ and 5, a person who, as described in NRS 484B.580, unlawfully proceeds or travels through a temporary roadblock established pursuant to NRS 484B.573*

because of flooding or water on the roadway, is liable for the expenses of any emergency response that is required to:

(a) Remove the driver or any passenger from the vehicle;

(b) Move or remove the vehicle that becomes inoperable from the roadway or any area near the roadway where the vehicle creates a hazard;  
or

(c) Both (a) and (b).

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

(a) Remove the driver or any passenger from the vehicle;

(b) Move or remove the vehicle that becomes inoperable from the area; or

(c) Both (a) and (b).

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

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

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

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

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

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

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

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

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

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

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

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

Senator Hammond moved that the Senate concur in Assembly Amendment No. 688 to Senate Bill No. 156.

Remarks by Senator Hammond.

Amendment No. 688 makes two changes to Senate Bill No. 156. It clarifies that a good Samaritan who ventures into a flood zone in an effort to help another stranded driver, becomes stranded and needs rescue, will not be cited under the provisions of the bill; and changes the effective date from October 1, 2015, to July 1, 2015.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 208.

The following Assembly amendment was read.

Amendment No. 666.

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

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

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) Existing law authorizes a charter school to enroll certain children before enrolling children who are otherwise eligible for enrollment and requires a charter school to determine which applicants to enroll on the basis of a lottery system in the event that more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available. (NRS 386.580) With certain exceptions, section 1 of this bill requires the governing body of a new charter school to send notice at least 45 days before the charter school begins accepting applications for enrollment to the home of the parent or legal guardian of any child who resides within 2 miles of the charter school stating when the charter school will begin accepting applications for enrollment and providing certain information concerning the application and enrollment process. Section 1 also requires this notice to be sent when an existing charter school expands enrollment by at least 10 percent or opens a new facility and requires the notice to be provided in the languages primarily spoken in the households to which such notice is provided, to the extent practicable. Section 3.5 of this bill requires a lottery held to determine which applicants may enroll in a charter school to occur not sooner than 45 days after the date

on which the charter school begins accepting applications for enrollment unless the sponsor of a charter school determines there is good cause to hold it sooner.

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

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

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

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

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

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

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

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

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

4. *A charter school that is not authorized to enroll more than 250 pupils for all facilities that the charter school operates is not required to comply with the provisions of subsection 1. If the charter school does not comply with these provisions, the charter school must develop an alternative plan to inform households located in the area served by the charter school that it is accepting applications for enrollment.*

~~4.4~~ 5. *If the governing body of a charter school has not acquired a facility to operate the charter school at least 45 days before the date on which the charter school begins accepting applications for enrollment pursuant to NRS 386.580, the sponsor of the charter school may identify a location reasonably believed to be close to where the facility will be located and provide the notification required pursuant to subsection 1 to each household located within 2 miles from this location.*

~~5.7~~ 6. The sponsor of a charter school may require the charter school to provide documentation of any effort to inform households located in the area served by the charter school that the charter school is accepting applications for enrollment, expanding enrollment or opening a new facility.

~~6.7~~ 7. The sponsor of a charter school may revise the timeline for notification prescribed in subsection 1 for good cause.

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

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

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

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

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

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

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

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection ~~5~~ 6 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

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

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

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

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

386.580 1. An application for enrollment in a charter school may be submitted *annually* to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance



education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

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

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

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

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

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

➔ of a pupil.

4. *A lottery held pursuant to subsection 1 or 2 must be held not sooner than 45 days after the date on which a charter school begins accepting*

*applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.*

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

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

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

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

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

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

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

(a) With disabilities;

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

(c) Who are at risk.

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

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

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

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~5~~ 6 of NRS 386.580.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

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

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

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

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

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

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

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

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

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

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

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school

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

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

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

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

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

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

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

Senator Harris moved that the Senate concur in Assembly Amendment No. 666 to Senate Bill No. 208.

Remarks by Senator Harris.

The Assembly had suggested that in the event that an existing charter school expands enrollment by at least 10 percent or opens a new facility, that notice be required in a language that would be readable by the recipient household with regard to potential eligibility to enroll or be accepted by that charter school.

Motion carried by a constitutional majority.  
Bill ordered enrolled.

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

Senate in recess at 3:00 p.m.

#### SENATE IN SESSION

At 3:04 p.m.  
President Hutchison presiding.  
Quorum present.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 332.

Bill read third time.

Remarks by Senator Roberson.

Senate Bill No. 332 appropriates \$1 million in each year of the 2015-2017 Biennium from the State General Fund to the Clark County School District to carry out a program of peer assistance and review of teachers. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 332:

YEAS—19.

NAYS—Gustavson.

EXCUSED—Smith.

Senate Bill No. 332 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 85.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 85 makes various changes to statutes governing the operation of the Board of Examiners for Alcohol, Drug and Gambling Counselors and the professions it regulates. The measure requires applicants to pass an oral examination as well as a written examination to be licensed or certificated. It removes the requirement that the Board issue a license or certificate without endorsement by examination and instead provides the Board the discretion to issue the license or certificate. The bill also allows the Board to refuse to renew the license or certificate of a professional whom the Board determines no longer meets the qualifications to be licensed or certified.

With regard to licensure, the bill modifies the duration of validity and educational qualifications of certain licenses and certificates. The measure authorizes the Board to consider any original criminal charges filed against an applicant, licensee or certificate holder, even if the person was convicted of a lesser crime, when the Board is determining whether to issue, renew, restore, suspend, revoke, reinstate or impose discipline. It also removes a provision in current law that allows a qualified applicant for licensure or certification to practice counseling alcohol and drug abusers or problem gamblers for a period not to exceed 30 days while his or her application is being reviewed by the Board.

Finally, A.B. No. 85 repeals provisions related to the regulation of detoxification technicians and leaves the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 85:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 85 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 166.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 166 establishes the State Seal of Biliteracy Program. The program provides that a special seal denoting biliteracy be affixed to the high school diploma and noted on the transcript of a pupil who has achieved a high level of proficiency in one or more languages, in addition to English. School districts, charter schools and university schools for profoundly gifted pupils may choose to participate in the program. The bill requires the Superintendent of Public Instruction to design and distribute the special seal to the participating school districts and schools. Further, the measure specifies the academic performance criteria that must be met for a pupil to qualify for the program. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 166:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 166 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 205.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 205 requires the Legislative Committee on Education to consider guidelines, parameters and financial plans for mentorship programs that are established or may be established in Nevada to address issues relating to health, criminal justice, employment and education including career and college readiness of school aged children. The Committee is required to prepare and submit a written report for transmittal to the 79th Session of the Nevada Legislature, along with any recommendation for legislation. The bill is effective July 1, 2015.

Roll call on Assembly Bill No. 205:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 205 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 206.

Bill read third time.



Remarks by Senator Denis.

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

Roll call on Assembly Bill No. 206:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 295.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 295 requires certain providers of wellness services to disclose certain information to consumers. A person who provides these services but who is not licensed, certified or registered in this State as a provider of health care is not in violation of any law unless he or she performs certain tasks restricted to regulated health care providers. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 295:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 295 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 4, 6, 11, 15, 17, 24, 32, 43, 47, 53, 54, 57, 59, 62, 81, 86, 88, 92, 101, 106, 108, 116, 124, 130, 140, 143, 151, 153, 158, 162, 183, 192, 193, 195, 201, 204, 212, 223, 224, 227, 231, 243, 246, 251, 267, 268, 270, 285, 292, 301, 305, 308, 324, 362, 366, 371, 377, 384, 391, 419, 422, 425, 449, 454; Assembly Joint Resolution No. 1.

REMARKS FROM THE FLOOR

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

One of the last remaining survivors of the Pearl Harbor attack passed away not too long ago, Willis V. Avery died in Boulder City, Nevada, at the Veterans' Home. Mr. Avery scrambled to get the wounded into the life boats before the U.S.S. Arizona sank during the raid on Pearl Harbor. He was somebody who really loved music. Every time I would go visit some folks at the Veterans' Home in Boulder City, I could always hear the music coming from his room. We lost another of the greats, and I just wanted to let this Body know of our loss in this State.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

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

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to students from Fremont Elementary: James Adams, Brenna Argust, Schuyler Anaya, Jovany Arroyo, Ckayden Batesel, Aiden Blandford, Lourdes Cervantes-Mejia, Aubrie Chan, Sam Chenin, Alexis Chester, Schuyler Clark, Tryton Cox, Morgan Currier, Nicholas Felix, Austin Garcia, Andrea Garza, Madison Healy, Elsa Harrison, Robert Henn, Carolina Hernandez, Telen Higuera, Rebecca Hughey, Steven Hyatt, Aryana Jones, Elle Liebendorfer, Denzel Llamas-Aranda, Kaden Lopez, Parker Maldonado, Makenna Malone, Evelyn Manzano-Curiel, Bryan Martinez-Castaneda, Jacob Mathison, Nathan McKee, Calie Medeiros, Caydance Miguel, Makenna Miles, Andrea Munoz, Alex Myrehn, Josh Nichols, Simon Noell, Madison Norris, Hailey Obregon, Paulina Onesto, Kairy Orozco Ortiz, Gilberto Ortiz-Monroy, Alex Pacheco, Dustin Packmore, Cole Palotas, Alexander Pattison, Jakson Perry, Angie Portillo Lopez, Blair Rankin, Emma Riley, Izabel Rivera, Seren Rojas, Dyana Sanchez, Gabby Sarabia, Kylie Scanlon, Devin Schneider, Robert Segura, Britney Schulz, Heaven Silvers, Julio Soriano, Micheala Stinson, Kana Teruya, Esa Tewanema, Harlie Vatella and Evan Watson.

Senator Roberson moved that the Senate adjourn until Wednesday, May 20, 2015, at 12:00 p.m.

Motion carried.

Senate adjourned at 3:13 p.m.

Approved:

MARK A. HUTCHISON  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*