

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 20, 2015

Senate called to order at 12:42 p.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

What a great day to serve our communities here in Nevada. Thank You, Lord!

Micah 6:8 says: "He has told you, O' man, what is good; and what the Lord requires of you: to do: justice, to love kindness, and to walk humbly with your God."

Heavenly Father, You have made it clear what we must do. Help us this day to recognize the lies of our current culture. Just because we disagree with someone, it does not mean we fear them or hate them. And, when we say we love someone, it does not mean we have to agree with all they do or believe.

We do not have to compromise our convictions to be compassionate. Help us Lord, to understand what true compassion looks like and may we live it out boldly. We pray, Amen.

God bless, and may God bless Nevada.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 159, 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL ROBERSON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 19, 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. 70, 112, 231, 232, 242; Assembly Bill No. 21.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 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. 36, Amendment No. 693; Senate Bill No. 38, Amendment No. 692, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 718 to Assembly Bill No. 65; Senate Amendment No. 684 to Assembly Bill No. 97; Senate Amendment No. 736 to Assembly Bill No. 107; Senate Amendment No. 660 to Assembly Bill No. 112; Senate Amendment No. 700 to Assembly Bill No. 136; Senate Amendment No. 659 to Assembly Bill No. 150; Senate Amendment No. 664 to Assembly Bill No. 156; Senate Amendment No. 669 to Assembly Bill No. 160; Senate Amendment No. 679 to Assembly Bill No. 189; Senate Amendment No. 665 to Assembly Bill No. 200; Senate Amendment No. 727 to Assembly Bill No. 225; Senate Amendment No. 717 to Assembly Bill No. 236; Senate Amendment No. 734 to Assembly Bill No. 244; Senate Amendment No. 710 to Assembly Bill No. 287; Senate Amendment No. 667 to Assembly Bill No. 383.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 78.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 5.

Senator Kieckhefer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 21.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 842.

SUMMARY—~~[Makes various changes to]~~ Revises provisions relating to the solicitation of bids for a homeowners' association ~~[.]~~ project. (BDR 10-808)

AN ACT relating to common-interest communities; ~~revising provisions authorizing a homeowners' association to direct the removal of vehicles from property owned or leased by the association; revising provisions governing eligibility to be a member of the executive board or an officer of a homeowners' association;~~ revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Uniform Common Interest Ownership Act, which governs common-interest communities. (Chapter 116 of NRS) Under existing law, a homeowners' association is authorized, under certain~~

~~circumstances, to direct the removal of a vehicle improperly parked on property owned or leased by the association. Unless a vehicle is blocking a certain area of the association property or the vehicle poses a threat to the health, safety or welfare of the units' owners or residents, an association must provide certain written or oral notice to the owner or operator of a vehicle at least 48 hours before the association may direct the removal of the vehicle. (NRS 116.3102) Section 1 of this bill removes these requirements. Existing law also provides that unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a homeowners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) Section 1.5 of this bill additionally excludes a person, other than a person appointed by the declarant, from eligibility as a candidate for, or as a member of, the executive board or an officer of a homeowners' association if: (1) except under certain circumstances, the person resides with, is married to or is related within the third degree of consanguinity to a member of the board or an officer of the association; (2) the person stands to gain any personal profit or compensation from a matter before the board; or (3) the person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association. Additionally, section 1.5 provides that if a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association, the association: (1) must not place the name of the person on any ballot as a candidate; and (2) must prohibit the person from serving as a member of the executive board or as an officer of the association.~~

~~Existing~~ Under existing law, ~~also requires~~ a homeowners' association is required to open and consider bids for an association project at a meeting of its executive board. (NRS 116.31086) ~~Section 2 of this~~ This bill requires an association to solicit, whenever reasonably possible, at least three bids if the association project is expected to cost: (1) in a common-interest community that consists of less than 1,000 units, ~~[\$2,500]~~ 3 percent or more ~~of the annual budget of the association;~~ or (2) in a common-interest community that consists of 1,000 or more units, ~~[\$5,000]~~ 1 percent or more ~~of the annual budget of the association.~~ ~~Section 2~~ of the annual budget of the association. This bill further specifies that the contents of bids which are opened at a meeting of the executive board must be read aloud.

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

Section 1. ~~NRS 116.3102 is hereby amended to read as follows:~~

~~116.3102~~ 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

~~(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.~~

~~—(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.~~

~~—(c) May hire and discharge managing agents and other employees, agents and independent contractors.~~

~~—(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common interest community.~~

~~—(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.~~

~~—(f) May regulate the use, maintenance, repair, replacement and modification of common elements.~~

~~—(g) May cause additional improvements to be made as a part of the common elements.~~

~~—(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:~~

~~—(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and~~

~~—(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.~~

~~—(i) May grant easements, leases, licenses and concessions through or over the common elements.~~

~~—(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.~~

~~—(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.~~

~~—(l) May impose construction penalties when authorized pursuant to NRS 116.310305.~~

~~—(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.~~

~~—(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by~~

~~NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.~~

~~—(e) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.~~

~~—(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.~~

~~—(q) May exercise any other powers conferred by the declaration or bylaws.~~

~~—(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.~~

~~—(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common interest community in violation of the governing documents. [In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:~~

~~—(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or~~

~~—(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common interest community.]~~

~~—(t) May exercise any other powers necessary and proper for the governance and operation of the association.~~

~~2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.~~

~~3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:~~

~~—(a) The association's legal position does not justify taking any or further enforcement action;~~

~~—(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;~~

~~—(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or~~

~~(d) It is not in the association's best interests to pursue an enforcement action.~~

~~4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.~~

~~5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common interest community that is exempt from taxation pursuant to NRS 361.125. (Deleted by amendment.)~~

Sec. 1.5. [NRS 116.31034 is hereby amended to read as follows:

~~116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.~~

~~2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.~~

~~3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:~~

~~(a) Members of the executive board who are appointed by the declarant; and~~

~~(b) Members of the executive board who serve a term of 1 year or less.~~

~~4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the~~

names of the nominees selected by the members of the executive board or a nominating committee established by the association.

~~5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:~~

~~(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:~~

~~(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and~~

~~(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.~~

~~(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.~~

~~6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:~~

~~(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;~~

~~(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and~~

~~(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.~~

~~7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:~~

~~— (a) Prepare and mail ballots to the units' owners pursuant to this section; and~~

~~— (b) Conduct an election for membership on the executive board pursuant to this section.~~

~~— 8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:~~

~~— (a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and~~

~~— (b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.~~

~~— The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.~~

~~— 9. Unless a person is appointed by the declarant:~~

~~— (a) A person [may] is not eligible to be a candidate for, or a member of, the executive board or an officer of the association if [the]:~~

~~— (1) Unless there is an insufficient number of candidates to fill one or more vacancies as a member of the executive board or as an officer of the association, the person resides with another person in a unit, is married to that other person or is related by blood or adoption within the third degree of consanguinity or affinity, and if the other person is also a member of the executive board or is an officer of the association;~~

~~— (2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association;~~

~~— (3) The person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association; or~~

~~— (4) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.~~

~~— (b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's~~

~~spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:~~

~~—(1) That master association; or~~

~~—(2) Any association that is subject to the governing documents of that master association.~~

~~10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:~~

~~—(a) The person is associated with the corporate owner, trust, partnership, limited liability company or estate as required by this subsection; and~~

~~—(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited liability company or estate.~~

~~11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:~~

~~—(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner.~~

~~—(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~—(c) A quorum is not required for the election of any member of the executive board.~~

~~—(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.~~

~~—(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~—(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.~~

~~12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except~~

~~that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.~~

~~13. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:~~

~~(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:~~

~~(1) Must be no longer than a single, typed page;~~

~~(2) Must not contain any defamatory, libelous or profane information; and~~

~~(3) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing; or~~

~~(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:~~

~~(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or~~

~~(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:~~

~~(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.~~

~~(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.~~

~~→ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the~~

~~candidate will not use the information for any other purpose, the association or its agent may refuse the request.~~

~~14. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 13.~~

~~15. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.~~

~~16. If a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association pursuant to this section or any other provision of this chapter, the association:~~

~~(a) Must not place the name of the person on any ballot as a candidate; and~~

~~(b) Must prohibit the person from serving as a member of the executive board or as an officer of the association. (Deleted by amendment.)~~

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project ~~[-~~ the] :

(a) The association must, whenever reasonably possible, solicit at least three bids if the association project is expected to cost:

(1) In a common-interest community that consists of less than 1,000 units, ~~[\$2,500]~~ 3 percent or more ~~[-]~~ of the annual budget of the association; or

(2) In a common-interest community that consists of 1,000 or more units, ~~[\$5,000]~~ 1 percent or more ~~[-]~~ of the annual budget of the association; and

(b) The bids must be opened and read aloud during a meeting of the executive board.

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of professional services to the association ~~[-]~~ , including, without limitation, accounting, engineering and legal services.

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

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

Motion carried.

Senate in recess at 12:47 p.m.

SENATE IN SESSION

At 12:48 p.m.

President Hutchison presiding.

Quorum present.

Senator Roberson moved that the bill be taken from the Second Reading File and placed on Second Reading File for the next legislative day.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bills Nos. 121, 172, 248, 451 be taken from the General File and placed at the bottom of the General File for the next legislative day.

Motion carried.

Senator Roberson moved that Assembly Bill No. 13 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 120.

Bill read third time.

Remarks by Senators Hammond, Ford and Harris.

SENATOR HAMMOND:

Assembly Bill No. 120 clarifies that a pupil in a public school may express himself or herself in a manner consistent with rights guaranteed under the First and Fourteenth Amendments to the *United States Constitution* as long as such expressions are not disruptive of instructional time, used to bully or intimidate, or are directly or indirectly endorsed by the school. The bill also requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a grievance policy prescribing procedures for the resolution of a complaint that the rights of a pupil to free expression have been violated. This bill is effective on July 1, 2015.

SENATOR FORD:

I rise in support of this bill, but I have a clarifying question if you would please present it to the Sponsor. As a former school lawyer myself, I want to ensure that passing this bill does not inhibit the schools. There is a long line of jurisprudence saying that schools can regulate conduct and even some speech at times. I want to ensure that we are not undermining the current level of jurisprudence in that regard.

SENATOR HAMMOND:

I am not sure that I understand the question. Perhaps the Chair of the Committee would like to respond to the question.

SENATOR HARRIS:

Based on testimony in the hearing from the school districts, they view this as one more item that they can put in their policies and procedures to reinforce practices that they are already engaged in.

SENATOR FORD:

Therefore, are you saying that the school districts are supportive of the bill?

SENATOR HARRIS:
Yes, that is correct.

Roll call on Assembly Bill No. 120:

YEAS—19.
NAYS—Parks, Woodhouse—2.

Assembly Bill No. 120 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 273.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 273 prohibits a former Legislator from receiving compensation to lobby before the Legislature for a period beginning when the Legislator leaves office and ending at the adjournment of the next regular Session. An exemption is provided if lobbying is a duty of the former Legislator's full-time employment and the former Legislator does not act as a lobbyist for any other employer, client or client of his or her employer. This bill is effective on November 8, 2016.

Roll call on Assembly Bill No. 273:

YEAS—21.
NAYS—None.

Assembly Bill No. 273 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 13.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 13 revises various provisions of the Uniform Interstate Family Support Act in Nevada law to conform to federal law.

Roll call on Assembly Bill No. 13:

YEAS—21.
NAYS—None.

Assembly Bill No. 13 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. 288.

The following Assembly amendment read.

Amendment No. 703.

SUMMARY—Revises provisions relating to prescribing controlled substances. (BDR 40-889)

AN ACT relating to controlled substances; requiring each person who is authorized to prescribe or dispense a controlled substance to be provided

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

Legislative Counsel's Digest:

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

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

Section 1. (Deleted by amendment.)

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

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

(a) Be designed to provide information regarding:

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

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

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives

of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

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

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

- (1) The name of the person;
- (2) The physical address of the person;
- (3) The telephone number of the person; and
- (4) If the person maintains an electronic mail address, the electronic mail address of the person.

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

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

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

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

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

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

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

~~5.~~ 6. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or

exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

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

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

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

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

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

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

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

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

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

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

2. Altering medical records of a patient.

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

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

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

6. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

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

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

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

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
 - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;
7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;
9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

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

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

Sec. 7.3. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other

disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↳ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

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

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

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

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

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

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

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

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

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

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

- (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
 - (d) Murder, voluntary manslaughter or mayhem;
 - (e) Any felony involving the use of a firearm or other deadly weapon;
 - (f) Assault with intent to kill or to commit sexual assault or mayhem;
 - (g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
 - (h) Abuse or neglect of a child or contributory delinquency; or
 - (i) Any offense involving moral turpitude.
3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.
4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.
5. Professional incompetence.
6. Failure to comply with the requirements of NRS 633.527.
7. Failure to comply with the requirements of subsection 3 of NRS 633.471.
8. Failure to comply with the provisions of NRS 633.694.
9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
- (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
- ↪ This subsection applies to an owner or other principal responsible for the operation of the facility.
10. Failure to comply with the provisions of subsection 2 of NRS 633.322.
11. Signing a blank prescription form.
12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
- (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
 - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.
13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.
14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

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

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

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

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

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

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

- (a) Deny an application for a license or refuse to renew a license.
- (b) Suspend or revoke a license.
- (c) Place a licensee on probation.
- (d) Impose a fine not to exceed \$5,000.

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

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

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

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

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

(e) Conviction of a crime involving moral turpitude.

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

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

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

(i) Gross incompetency.

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

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

(l) Unethical or unprofessional conduct.

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

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

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

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

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

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

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

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

➔ This paragraph applies to an owner or other principal responsible for the operation of the facility.

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

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

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

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

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the

judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

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

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

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

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

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

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

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

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

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

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

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

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

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

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

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

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

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

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

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

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

~~2. Habitual drunkenness;~~

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

- ~~4. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;~~
- ~~5. Incompetence;~~
- ~~6. Negligence;~~
- ~~7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;~~
- ~~8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;~~
- ~~9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;~~
- ~~10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;~~
- ~~11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;~~
- ~~12. Willful failure to accept service by mail or in person from the Board;~~
- ~~13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and~~
- ~~14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.~~
- ~~15. Failure to comply with the provisions of NRS 453.1545.] (Deleted by amendment.)~~

Sec. 8. This act becomes effective:

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

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

Senator Hardy moved that the Senate concur in Assembly Amendment No. 703 to Senate Bill No. 288.

Remarks by Senators Hardy and Denis.

SENATOR HARDY:

This amendment allows for a physician, or someone who is allowed to write a prescription for controlled substances, to make sure they access the prescription monitoring program database at least every six months. It encourages education about the use of prescription medicines that are controlled substances.

SENATOR DENIS:

I worked with the Assembly on the amendment and agree with it. It is good to go.

Motion carried by a constitutional majority.
Bill ordered enrolled.

Senate Concurrent Resolution No. 2.
The following Assembly amendment was read.
Amendment No. 702.

SUMMARY—Encourages education of medical care providers and first responders regarding caring for persons with Alzheimer's disease. (BDR R-237)

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

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

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

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

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

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

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

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

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

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

WHEREAS, The State Plan identified several educational challenges to strengthening and maintaining the workforce that cares for persons with

Alzheimer's disease and other dementias in this State and proposed recommendations to address these challenges; now, therefore, be it

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

1. Approving or requiring, as applicable, continuing education programs that provide primary care physicians and other allied health care professionals with ongoing education and training about recent developments, research and treatments of Alzheimer's disease and other forms of dementia;

2. Encouraging primary care physicians to refer persons with cognitive deficits for specialized cognitive testing when appropriate; and

3. Encouraging primary care physicians to refer persons with dementia and their families to dementia-related community resources and supportive programs; and be it further

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

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

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

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

police and sheriff in this State, and to the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.

Senator Hardy moved that the Senate concur in Assembly Amendment No. 702 to Senate Concurrent Resolution No. 2.

Remarks by Senator Hardy.

Whereas there are a lot of people who have Alzheimer's or dementia and there is going to be even more of them, we are going to resolve that the Board of Medical Examiners and other boards encourage the education of the practitioners and also encourage the training and education of first responders so they know what to do with patients having Alzheimer's or dementia when they encounter them.

Motion carried.

Resolution ordered enrolled.

Senate Bill No. 52.

The following Assembly amendment was read.

Amendment No. 751.

SUMMARY—Revises provisions governing search warrants. (BDR 14-159)

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

Legislative Counsel's Digest:

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

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

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

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the warrant or as provided in subsection ~~{2.}~~ 3. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Brower moved that the Senate do not concur in Assembly Amendment No. 751 to Senate Bill No. 52.

Remarks by Senator Brower.

We are still trying to get a collective handle on the precise impact of the amendment, we are not quite ready to concur at this point. We are going to need to work this out in a Conference Committee.

Motion carried.

Bill ordered transmitted to the Assembly.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Assembly Bill No. 78, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 261 and 583 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in the Conference Amendment No. 1, which is attached to and hereby made a part of this report.

The following amendment was proposed by the Conference Committee:

Conference Amendment No. 1.

SUMMARY—Makes various changes relating to wildlife. (BDR 45-362)

AN ACT relating to wildlife; revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies for the management of wildlife in this State and to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105, 501.181) Sections 1 and 1.2 of this bill require the Commission, in establishing such policies and adopting such regulations, to first consider the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Existing law establishes a county advisory board to manage wildlife in each of the counties of this State. (NRS 501.260) Sections 1.4-1.6 of this bill make various changes relating to those boards.

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to certain programs, management activities and research relating to wildlife. (NRS 502.253) Section 4 of this bill revises the provisions governing the use of this money. Section 4 also requires the ~~Commission~~ Department, before adopting any program for the management and control of predatory wildlife, to consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee ~~the county advisory boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.~~

Existing law creates and governs the State Predatory Animal and Rodent Committee. (NRS 567.010-567.090) Section 5 of this bill adds two new members to the Committee and establishes their qualifications. Section 8 of this bill requires the Chair to designate the two additional members described in section 5 of this bill as soon as practicable after the effective date of this bill. Sections 6 and 7 of this bill make various changes relating to the meetings of the Committee.

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

Section 1. NRS 501.105 is hereby amended to read as follows:

501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. *In establishing*

such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 1.2. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The *management and control of predatory wildlife* . ~~[depredations.]~~

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. ~~[The] If, in establishing any regulations [must be established after first considering]~~ pursuant to this subsection, the Commission rejects the recommendations of [the Department, the] a county advisory [boards] board to manage wildlife [and others who wish to present their views at an open meeting.] with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife ~~[a written]~~ at the meeting an explanation of the Commission's decision to reject the recommendations ~~[.]~~ and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. *In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.*

Sec. 1.4. NRS 501.290 is hereby amended to read as follows:

501.290 The board shall meet before ~~[those meetings]~~ *each meeting* of the Commission ~~[at which seasons, bag limits or hours are to be established]~~ and at such other times as the chair may call or the Commission may request.

Sec. 1.5. NRS 501.297 is hereby amended to read as follows:

501.297 The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife ~~[within their respective counties.]~~

Sec. 1.6. NRS 501.303 is hereby amended to read as follows:

501.303 1. The boards shall submit recommendations for *the management of wildlife and setting seasons for fishing, hunting and trapping, which must be considered by the Commission in its deliberation on and establishment of regulations* ~~[covering open or closed seasons, bag limits, hours and other regulations or policies.]~~

2. The chair or vice chair, or members of the board appointed by them:

(a) Shall attend the meetings of the Commission ; ~~[at which seasons are set or bag limits, hours or other regulations and policies are established.]~~ and

(b) Are entitled to receive such travel and per diem expenses as are allowed by law.

Sec. 1.8. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) ~~[Programs]~~ *Developing and implementing an annual program* for the management and control of ~~[injurious]~~ predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals ~~[]~~ and sensitive wildlife species ; and ~~[related wildlife habitat.]~~

(c) Conducting research ~~[, as needed.]~~ *necessary* to determine successful techniques for managing and controlling predatory ~~[wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and~~

~~— (d) Programs for the education of the general public concerning the management and control of predatory] wildlife.~~

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of ~~[may be implemented or conducted only if the program, activity or research is approved by]~~ the Commission ~~[pursuant to subsection 4 and is]~~ in accordance with the provisions of subsection 4 and the policies adopted by the Commission pursuant to ~~[subsection 2 of]~~ NRS 501.181.

4. ~~The [Commission] Department:~~

(a) ~~In [approving] adopting any program for the management and control of predatory wildlife developed [for wildlife management activity or research conducted] pursuant to this~~

section, shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee created by NRS 567.020. ~~For the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.~~

(b) Shall not ~~approve~~ adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the ~~immediately preceding~~ most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 5. NRS 567.030 is hereby amended to read as follows:

567.030 The Committee consists of ~~five~~ the following seven members ~~[-]~~ :

1. Two members ~~must be~~ designated by the State Board of Agriculture from among its members, one of which must be the appointee for range or semirange sheep production.

2. One member ~~must be~~ designated by the Board of Wildlife Commissioners from among its members.

3. One member ~~must be~~ designated by the State Board of Health from among its members.

4. One member ~~must be~~ designated by the Nevada Farm Bureau Federation from among its members.

5. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must have been issued a license to hunt, trap or fish in this State in at least 3 of the 5 years immediately preceding the date on which he or she is designated as a member; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the ~~5-year~~ year immediately preceding the date on which he or she is designated as a member.

6. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must hold a license as a master guide issued pursuant to NRS 504.390; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the ~~5-year~~ year immediately preceding the date on which he or she is designated as a member.

Sec. 6. NRS 567.040 is hereby amended to read as follows:

567.040 1. ~~Upon and following its organization~~ At the first meeting of each year, the Committee shall select its own Chair ~~[-]~~ and Vice Chair from among its members. A member may not serve as the Chair or Vice Chair for more than two consecutive terms.

2. Upon the selection of the Chair at the first meeting of each year, the Chair shall designate the members described in subsections 5 and 6 of NRS 567.030.

3. The Secretary of the State Board of Agriculture shall serve as Secretary of the Committee.

Sec. 7. NRS 567.070 is hereby amended to read as follows:

567.070 The Committee's Secretary shall call the first meeting of the Committee each year following the designation of ~~its~~ the members ~~as provided~~ described in subsections 1 to 4, inclusive, of NRS 567.030.

Sec. 8. Notwithstanding the amendatory provisions of subsection 2 of section 6 of this act, the Chair of the State Predatory Animal and Rodent Committee shall, as soon as practicable after the effective date of this act, designate the members of the Committee described in subsections 5 and 6 of NRS 567.030, as amended by section 5 of this act, each to serve a term that expires on the date of the first meeting of the Committee that occurs on or after January 1, 2017.

Sec. 9. This act becomes effective upon passage and approval.

DON G. GUSTAVSON

PETE GOICOECHEA

JAMES A. SETTELMEYER

Senate Conference Committee

ROBIN TITUS

IRA HANSEN

RICHARD CARRILLO

Assembly Conference Committee

Senator Gustavson moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 78.

Remarks by Senators Gustavson and Ford.

SENATOR GUSTAVSON:

The Conference Committee agreed to recommend that Senate Amendment No. 261 and 583 be concurred in and to further amend Assembly Bill No. 78. The amendment provides that: the Department of Wildlife, before adopting any program for the management and control of predatory wildlife, must consider recommendations of the Commission and State Predatory Animal and Rodent Committee; makes minor changes to the calculation of the percent of money collected to be expended for lethal management control and management of predatory wildlife; and provides that the two members added to the Committee by the bill must not have been convicted of any hunting, fishing or trapping violation in the year preceding the date on which he or she is designated a member.

SENATOR FORD:

I have two points I would like to address. First, I understand NDOW is now onboard with this, is this accurate? Second, it is important to note this no longer has the fee associated with the original bill presented to us, is that correct?

SENATOR GUSTAVSON:

Yes, NDOW is onboard with this. We did do away with the fee as well.

Motion carried by a constitutional majority.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 173, 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. SETTELMEYER, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 292, 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. 884 to Senate Bill No. 452.

JAMES A. SETTELMEYER, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 431.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 813.

SUMMARY—Authorizes the Supreme Court of Nevada to enter into a long-term lease for office space in Clark County which extends beyond the 2016-2017 biennium. (BDR S-1133)

AN ACT relating to state financial administration; authorizing the Supreme Court of Nevada to enter into a long-term lease for office space in Clark County which extends beyond the 2016-2017 biennium; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Supreme Court of Nevada to enter into a contract for a 25-year lease of office space for the Court in Clark County which extends in duration beyond the 2016-2017 biennium. The total amount of money committed over the 25-year period may not exceed \$19,493,635, exclusive of operation and maintenance costs. ~~[-~~

~~Section 1 also provides that money for the payment of the debt incurred will be provided for in the annual tax imposed for the payment of the obligations of the State of Nevada from the Consolidated Bond Interest and Redemption Fund or by other legislative act. Additionally, any interest on the debt generated by the 25-year lease is required to be paid at least semiannually, and the principal is required to be paid within 25 years after this bill becomes effective.] , and the court must ensure that the lease does not constitute debt for purposes of the Nevada Constitution.~~

Section 2 of this bill authorizes the Supreme Court of Nevada to execute any necessary amendments to effectuate the release of the Court and the State of Nevada from any further liability to Clark County incurred by an existing lease agreement for office space for the Court in the Regional Justice Center owned by Clark County.

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

Section 1. ~~[1. Notwithstanding the provisions of subsection 2 of NRS 353.260, the]~~ The Supreme Court of Nevada may enter into a contract for a 25-year lease of office space for the Court in Clark County which extends in duration beyond the 2016-2017 biennium except that the total amount of money committed over the 25-year period may not exceed \$19,493,635, exclusive of operation and maintenance costs. ~~[-]~~ , and the lease may not constitute debt for the purposes of Section 3 of Article 9 of the Nevada Constitution.

~~[- 2. Money for the payment of the debt incurred pursuant to this section will be provided for in the annual tax imposed for the payment of the obligations of the State of Nevada from the Consolidated Bond Interest and Redemption Fund or by other legislative act. The provisions of NRS 349.238 to 349.248, inclusive, apply to payment of the debt. The interest, if any, on the debt generated by the 25-year lease must be paid at least semiannually, and the principal must be paid within 25 years after the date of passage of this act.]~~

Sec. 2. The Supreme Court of Nevada is authorized to execute any necessary amendments to effectuate the release of the Court and the State of Nevada from any further liability to Clark County incurred by an existing lease agreement for office space for the Court in the Regional Justice Center owned by Clark County.

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

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 813 to Senate Bill No. 431 makes clear that the lease described and outlined in the bill may not constitute debt for the purposes of Section 3, Article 9 of the *Nevada Constitution*. It also removes subsection 2, section 1, which discusses the flow of funds.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 159.

Bill read second time.

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

Amendment No. 835.

SUMMARY—Makes various changes to governing public works (BDR 28-936)

AN ACT relating to public works; revising provisions concerning contracts with a public body for a public work and contracts by the awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various employment requirements on contracts for a public work. (NRS 338.125-338.135) Section 3 of this bill provides that a public body, in any solicitation, contract or other document related to a contract for a public work, shall not: (1) require or prohibit a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to the public work; or (2) discriminate against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. Section 3 further prohibits a public body from awarding a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include in a contract for a project that is the subject of the grant, tax abatement, tax credit or tax exemption a term that: (1) requires or prohibits a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to the project; or (2) discriminates against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the project. Section 3 also allows a public body to exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from those restrictions if the public body makes a

finding, after notice and a hearing, that ~~:(1) special circumstances require such an exemption to avert an imminent threat to public health or safety.††~~ or (2) the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for an airport or a water system. Such a finding of special circumstances must not be based on the possibility or presence of certain labor disputes.

Section 2 of this bill provides that the Legislature finds and declares that the provisions of section 3 are intended to provide fair and open competition and more economical, nondiscriminatory, neutral and efficient contracts for public works by this State and public bodies in this State as market participants, and that the provisions of section 3 are the best method for effectuating that intent.

Section 4 of this bill provides that the provisions of this bill do not affect any contract for a public work or for any project that is funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body that was entered into before July 1, 2015.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Legislature hereby finds and declares that the provisions of section 3 of this act prohibiting requirements for certain terms in contracts entered into by a public body for a public work or entered into by the awardee of a grant, tax abatement, tax credit or tax exemption from a public body are:*

1. *Intended to provide:*

(a) *More economical, nondiscriminatory, neutral and efficient contracts for public works by public bodies in this State as market participants; and*

(b) *Fair and open competition in awarding contracts, grants, tax abatements, tax credits and tax exemptions.*

2. *The best method for effectuating the intent of subsection 1.*

Sec. 3. 1. *Except as otherwise provided in subsection 4 ~~††~~ or 5, a public body, in any advertisement, solicitation, specification, contract or any other document related to a contract for a public work, shall not:*

(a) *Require or prohibit an eligible bidder, contractor or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.*

(b) *Discriminate against an eligible bidder, contractor or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.*

2. *Except as otherwise provided in subsection 4 ~~4~~ or 5, a public body shall not award a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include a term described in paragraph (a) or (b) of subsection 1 in a contract for any construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption.*

3. *The provisions of subsections 1 and 2 do not:*

(a) *Prohibit a public body from awarding a contract for a public work or a grant, tax abatement, tax credit or tax exemption to an owner who is not a public body, an eligible bidder, a contractor or a subcontractor who enters into, who is a party to or who adheres to an agreement with a labor organization if:*

(1) *Entering into, being or becoming a party to or adhering to an agreement with a labor organization is not a condition for awarding the contract, grant, tax abatement, tax credit or tax exemption; and*

(2) *The public body does not discriminate against an owner who is not a public body, an eligible bidder, a contractor or a subcontractor in the awarding of the contract, grant, tax abatement, tax credit or tax exemption based upon the status of entering into, being or becoming a party to or adhering to an agreement with a labor organization;*

(b) *Prohibit an eligible bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract:*

(1) *With a public body for a public work; or*

(2) *Funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body;*

(c) *Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.;*

(d) *Interfere with labor relations of parties that are left unregulated by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.; or*

(e) *Affect any provision of NRS 338.020 to 338.090, inclusive.*

4. *A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 1 if the public body makes a finding, after notice and a hearing, that a special circumstance requires such an exemption to avert an imminent threat to the public health or safety. A finding of a special circumstance pursuant to this subsection must not be based on the possibility or presence of a labor dispute concerning:*

(a) *The use of a contractor or subcontractor who is not a signatory to or does not adhere to an agreement with one or more labor organizations; or*

(b) *Employees on the public work who are not members of or affiliated with a labor organization.*

5. *A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 1 if*

the public body makes a finding, after notice and a hearing, that the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for:

(a) An airport, including, without limitation, a runway, taxiway, air traffic control tower or project to improve airport security; or

(b) A water system.

6. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

Sec. 4. 1. The amendatory provisions of this act do not apply to any contract entered into before July 1, 2015, by:

(a) A public body for a public work; or

(b) The awardee of a grant, tax abatement, tax credit or tax exemption from a public body for a project funded in whole or in part by such grant, tax abatement, tax credit or tax exemption.

2. As used in this section:

(a) "Public body" has the meaning ascribed to it in NRS 338.010.

(b) "Public work" has the meaning ascribed to it in NRS 338.010.

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

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 835 to Assembly Bill No. 159 allows a public body to exempt certain public works projects that are a part of critical infrastructure for an airport or a water system from the provisions of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

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

Amendment No. 761.

SUMMARY—Provides for the creation of rangeland fire protection associations. (BDR 42-43)

AN ACT relating to fire protection; providing for the creation of rangeland fire protection associations; authorizing certain boards to approve a petition to create a rangeland fire protection association; providing for the evaluation of such an association by the authorizing board and the State Forester Firewarden; requiring the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3, 7.5 and 7.7 of this bill authorize a board of county commissioners, board of directors of a county fire protection district or board of fire commissioners of certain other districts to approve a petition submitted by any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within the county or district to create a rangeland fire protection association if the petitioners meet certain requirements. Sections 3, 7.5 and 7.7 additionally provide for the routine evaluation of such an association by the authorizing board in cooperation with the State Forester Firewarden during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association.

Existing law authorizes fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into certain cooperative agreements for the purpose of providing fire protection services in this State. (NRS 472.050-472.070) Sections 4-6, 8 and 9 of this bill authorize fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into such agreements with a rangeland fire protection association.

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

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" means a nonprofit association formed for the purpose of protecting rangeland from wildfire pursuant to section 3, 7.5 or 7.7 of this act, as applicable.*

Sec. 3. 1. *Except as otherwise provided in sections 7.5 and 7.7 of this act, any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or occupy property within a county in this State may establish a rangeland fire protection association by petitioning the board of county commissioners of the county in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. *A board of county commissioners may approve a petition submitted pursuant to subsection 1 if the petitioners:*

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association meets all the applicable requirements set forth in the regulations adopted by the State Forester Firewarden pursuant to section 3.5 of this act concerning the

formation, operation and training of the members of a rangeland fire protection association.

3. A board of county commissioners, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the State Forester Firewarden.

4. A board of county commissioners may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of county commissioners the results of any such delegated evaluation.

5. The board of county commissioners, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 3.5. 1. The State Forester Firewarden shall adopt regulations governing a rangeland fire protection association established pursuant to section 3 of this act setting forth:

(a) The requirements for the formation of such a rangeland fire protection association, including the governance and management structure of an association;

(b) The scope of the operations which may be conducted by such an association;

(c) The training requirements for the members of such an association;

(d) The amount of liability insurance that must be carried by such an association; and

(e) Any financial requirements for the formation and operation of such an association.

2. The State Forester Firewarden shall develop recommendations concerning the formation, operation and training of the members of a rangeland fire protection association established pursuant to section 7.5 or

7.7 of this act. Such recommendations must address the topics set forth in subsection 1.

Sec. 4. NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and entering into agreements with the Federal Government for the purpose of securing cooperation in forest management and the protection of the forest and watershed areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, *rangeland fire protection associations and other* organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage forest management and the protection from fire of forest or other lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

Sec. 5. NRS 472.060 is hereby amended to read as follows:

472.060 Any fire protection district and board or boards of county commissioners of the State of Nevada may:

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, *rangeland fire protection associations and other* organizations and individuals, to prevent and suppress outdoor fires.

2. Appropriate and expend funds for the payment of wages and expenses incurred in fire prevention and fire suppression, ~~and~~ for the purchase, construction and maintenance of forest protection improvements and equipment ~~and~~ and for paying other expenses incidental to the protection of forest and other lands from fire, including any portion of the office and travel expense of the Division of Forestry incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

Sec. 6. NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, ~~and~~ other fire protection agencies ~~and~~ *rangeland fire protection associations* to provide for placing any or all portions of the fire protection work under the direction of the agency *or association* concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise

secured for forest protection in the cooperative work fund of the respective agency or rangeland fire protection association for disbursement by that agency or association for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

Sec. 7. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2, 7.5 and 7.7 of this act.

Sec. 7.2. *As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" has the meaning ascribed to it in section 2 of this act.*

Sec. 7.5. 1. *Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, may establish a rangeland fire protection association by petitioning the board of directors of the county fire protection district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. *The board of directors of a county fire protection district may approve a petition submitted pursuant to subsection 1 if the petitioners:*

(a) *Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.*

(b) *Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.*

3. *The board of directors of a county fire protection district, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:*

(a) *The governance and management structure of the association;*

(b) *The adequacy of any policy of liability insurance carried by the association;*

(c) *The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and*

(d) *The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the county fire protection district.*

4. *The board of directors of a county fire protection district may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of directors of the county fire protection district the results of any such delegated evaluation.*

5. *The board of directors of a county fire protection district, the State Forester Firewarden and any other agency which is a party to a cooperative*

agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 7.7. 1. Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a district organized pursuant to NRS 474.460 may establish a rangeland fire protection association by petitioning the board of fire commissioners of the district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.

2. The board of fire commissioners of the district may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. The board of fire commissioners of a district organized pursuant to NRS 474.460, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the district.

4. The board of fire commissioners of a district organized pursuant to NRS 474.460 may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of fire commissioners the results of any such delegated evaluation.

5. The board of fire commissioners of a district organized pursuant to NRS 474.460, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire

protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 8. NRS 474.163 is hereby amended to read as follows:

474.163 1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies ~~[]~~ and rangeland fire protection associations.

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may:

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies or rangeland fire protection associations as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district; or

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 8.5. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire protection thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

↪ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the property if no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[]~~, and *section 7.7 of this act*.

Sec. 9. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies *and rangeland fire protection associations* and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, *and section 7.7 of this act* to the districts by entering into agreements with other agencies *or rangeland fire protection associations* as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, *and section 7.7 of this act* for the furnishing of such protection to the districts.

Sec. 10. This act becomes effective:

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

2. ~~[On January 1, 2016, for]~~ For all other purposes ~~[]~~, on the earlier of:

(a) January 1, 2016; or

(b) The date on which the State Forester Firewarden adopts a temporary regulation, an emergency regulation or a permanent regulation pursuant to chapter 233B of NRS and section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 761 to Assembly Bill No. 163 clarifies that the bill does not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire; and amends the effective date to allow it to go into effect earlier if a temporary, emergency or permanent regulation is adopted prior to the original effective date of January 1, 2016.

Amendment adopted.

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

Assembly Bill No. 452.

Bill read second time.

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

Amendment No. 816.

SUMMARY—Revises provisions relating to property taxes.
(BDR 32-847)

AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.
Legislative Counsel's Digest:

Existing law provides that under certain circumstances, the owner of real or personal property that is placed on the secured or unsecured tax roll may file an appeal concerning the assessment of the owner's property with the county board of equalization or the State Board of Equalization. (NRS 361.356, 361.357, 361.360) Existing law further provides that if a person files such an appeal, on behalf of the owner of the property, the person filing the appeal must provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal. If the appeal is filed in a timely manner without the written authorization, the person filing the appeal may provide the written authorization within 48 hours after the deadline for filing the appeal. (NRS 361.362)

Section 1 of this bill specifically provides that for the purposes of appeals to a county board of equalization or the State Board of Equalization, the term "owner" includes a person who owns, controls or possesses taxable property.

Section 2 of this bill provides that the written authorization to file an appeal on behalf of an owner of property may be signed by: (1) the owner; or (2) an employee of the owner ~~or~~ or of an affiliate of the owner ~~or~~ who is acting within the scope of his or her employment. Section 2 further provides

that if there is an objection to the written authorization provided by the person who filed the appeal, written notice of the objection must be given to the person who filed the appeal and that person may submit documentation to cure the objection within 5 business days after receipt of the notice.

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

Section 1. NRS 361.334 is hereby amended to read as follows:

361.334 As used in NRS 361.334 to 361.435, inclusive:

1. *The term "owner" includes a person who owns, controls or possesses taxable property.*

2. The term "property" includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.

~~{2.}~~ 3. Where the term "property" is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term "owner" used in conjunction therewith must be interpreted to mean the lessee or user of the property.

Sec. 2. NRS 361.362 is hereby amended to read as follows:

361.362 1. Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal concerning the assessment that was made. *The written authorization required by this subsection may be signed by:*

(a) *The owner; or*

(b) ~~An employee of~~ *A person employed by the owner ~~or~~ or an affiliate of the owner ~~or~~ who is acting within the scope of his or her employment.*

2. If ~~the~~ a person files the appeal in a timely manner without the written authorization required by ~~this section,~~ subsection 1, the person may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

3. *If there is an objection to a written authorization provided pursuant to subsection 1, written notice specifying the grounds for the objection must be given to the person filing the appeal by the assessor ~~by~~ :*

(a) *By certified mail ~~or~~ ; or*

(b) *If the person filing the appeal provided his or her electronic mail address on the form on which the appeal was filed, by electronic mail to the electronic mail address provided on that form.*

4. *If the person filing the appeal submits documentation necessary to cure the objection described in subsection 3 within 5 business days after receipt of the notice, the appeal must be deemed to be filed in a timely manner.*

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

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Amendment No. 816 to Assembly Bill No. 452 does two things. For the purposes of filing an appeal to a county board of equalization or the State Board of Equalization, the list of persons that may sign the written authorization to file an appeal on behalf of the owner is clarified to include a person that is employed by the owner of an affiliate of the owner who is acting within the scope of his or her employment.

If there is an objection to the written authorization to file an appeal on behalf of the owner, the amendment specifies the written notice specifying the grounds for the objection may be provided by either certified mail or by electronic mail if the person filing the appeal provides an electronic mail address.

Amendment adopted.

The following amendment was proposed by Senator Ford:

Amendment No. 884.

SUMMARY—Revises provisions relating to property taxes.
(BDR 32-847)

AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.
Legislative Counsel's Digest:

Existing law provides that under certain circumstances, the owner of real or personal property that is placed on the secured or unsecured tax roll may file an appeal concerning the assessment of the owner's property with the county board of equalization or the State Board of Equalization. (NRS 361.356, 361.357, 361.360) Existing law further provides that if a person files such an appeal, on behalf of the owner of the property, the person filing the appeal must provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal. If the appeal is filed in a timely manner without the written authorization, the person filing the appeal may provide the written authorization within 48 hours after the deadline for filing the appeal. (NRS 361.362)

Section 1 of this bill specifically provides that for the purposes of appeals to a county board of equalization or the State Board of Equalization, the term "owner" includes a person who owns ~~it~~ or controls taxable property or possesses in its entirety taxable property.

Section 2 of this bill provides that the written authorization to file an appeal on behalf of an owner of property may be signed by: (1) the owner; or (2) an employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment. Section 2 further provides that if there is an objection to the written authorization provided by the person who filed the appeal, written notice of the objection must be given to the person who filed the appeal and that person may submit documentation to cure the objection within 5 business days after receipt of the notice.

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

Section 1. NRS 361.334 is hereby amended to read as follows:

361.334 As used in NRS 361.334 to 361.435, inclusive:

1. *The term "owner" includes a person who owns ~~it~~ or controls taxable property or possesses in its entirety taxable property.*

2. The term "property" includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.

~~2.~~ 3. Where the term "property" is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term "owner" used in conjunction therewith must be interpreted to mean the lessee or user of the property.

Sec. 2. NRS 361.362 is hereby amended to read as follows:

361.362 1. Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal concerning the assessment that was made. *The written authorization may be signed by:*

(a) *The owner; or*

(b) *An employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment.*

2. If ~~the~~ a person files the appeal in a timely manner without the written authorization required by ~~this section,~~ *subsection 1*, the person may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Amendment No. 884 to Assembly Bill No. 452 provides that, for the purposes of filing an appeal to a county board of equalization of the State Board of Equalization, the term "owner" includes a person who owns or controls taxable property or a person who possesses taxable property only if the person possesses the taxable property in its entirety.

Amendment adopted.

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

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 13, 48, 75, 87, 127, 156, 157, 208, 246, 248, 249, 251, 256, 289, 310, 313, 354, 373, 384, 389, 390; Senate Joint Resolutions Nos. 1, 2, 4, 5; Assembly Bills Nos. 20, 65, 66, 97, 107, 112, 136, 150, 156, 160, 189, 200, 214, 225, 236, 244, 287, 379, 380, 383; Assembly Joint Resolution No. 4.

Senator Roberson moved that the Senate adjourn until Thursday, May 21, 2015, at 12:00 p.m.

Motion carried.

Senate adjourned at 1:10 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate