

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 10, 2017

Assembly called to order at 12:23 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

We thank You for this week that is before us. We ask for Your favor to be poured out upon our state leadership this day and this week. Give Your leaders Your wisdom, strength, and unity as they conduct the business of our great state, Nevada.

Father God, be with each conversation and each meeting Your leaders have throughout this day and this week. Give them clarity of mind and help them to be courageous in speech and action. Let them be people who seek truth in all their pursuits and enable them to be people of peace, representing hope in all they say and do. Allow them to sense Your presence in special and unique ways this week—guiding them, protecting them, and keeping their families safe while they are away attending to the work of our state.

Now, may the Lord richly bless this gathering of servant leaders, and may God bless Nevada. It is in His Name that we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 38, 118, 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 138, 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Assemblyman Watkins.

For: Assembly Bill No. 270.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Has been granted effective: April 06, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

NOTICE OF EXEMPTION

April 7, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 132, 184, 224, 297, 298, 328, 330, 382, 395, 407, 460, 474, 481, 482, 490 and 496.

MARK KRMPOTIC
Fiscal Analysis Division

April 10, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 109.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 166, 201, 207, 214, 300, 322, 327, 328, 331, 333, 336, 341, 344, 348, 352, 353, 355, 363, 366, 370, 381, 383, 390, 398, 399, 402, 404, 407, 409, 413, 414, 421, 422, 428, 436, 440, 445, 447, 449, 458, 463, 467, 469, 477 and 491.

CINDY JONES
Fiscal Analysis Division

April 10, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 486.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of April 10, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

GREENSPUN MEDIA GROUP-LAS VEGAS SUN: Yvonne Gonzalez; KOLO-TV: Terri Russell; NEVADA FORWARD: Michael Willoughby; RENO GAZETTE-JOURNAL: Jason Bean, Marcella Corona, Michael Higdon; VEGAS VOICE, THE: Dan Roberts.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 14, 28, 50, 57, 65, and 74 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time.

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

Amendment No. 27.

AN ACT relating to persons with disabilities; revising provisions concerning the duties and employees of the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; prohibiting, under certain circumstances, the solicitation, disclosure, receipt or use of information concerning persons receiving services from the Division; authorizing the Division to adopt, amend and repeal certain policies; authorizing the denial of services to persons who are blind under certain circumstances; removing the designation of the Division as the designated state unit for the purpose of certain federal regulations governing vocational rehabilitation; prescribing the purposes for which certain money may be used; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes programs under which: (1) the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation provides services to assist persons who are blind in obtaining employment; and (2) the Bureau of Vocational Rehabilitation of the Division provides similar services to individuals with disabilities. (NRS 426.518-426.610, chapter 615 of NRS) **Sections 2 and 24** of this bill revise the purposes of those programs.

Existing federal law defines the term "competitive integrated employment" to mean full-time or part-time work, including self-employment: (1) for which a person receives certain minimum compensation; (2) that allows the employee to interact with persons who are not disabled; and (3) that provides opportunities for advancement similar to those provided to employees who are not disabled. (29 U.S.C. § 705) **Sections 3 and 21** of this bill define that term to have the same meaning in state law. **Sections 5, ~~and~~ 29 and 41** of this bill define the term "vocational rehabilitation services" to mean any goods and services necessary to prepare a person who is blind or an individual with a disability, as appropriate, to engage in competitive integrated employment or to determine the rehabilitation potential of such a person. **Sections 8 and 26-28** of this bill amend the definitions of certain

related terms. **Sections 9 and 33-35** of this bill revise which entities perform certain duties relating to vocational rehabilitation services.

Federal regulations require the state unit responsible for administering vocational rehabilitation services to develop and maintain written policies covering the nature and scope of each such service and the criteria under which each service is provided. (34 C.F.R. § 361.50) **Sections 6 and 22** of this bill authorize the Division to adopt, amend and repeal such policies at a public meeting. **Section 17** of this bill provides that the adoption, amendment and repeal of such policies is not subject to the standard rulemaking process.

Section 10 of this bill requires the Bureau of Services to Persons Who Are Blind or Visually Impaired to provide vocational rehabilitation services to any person who is blind, including any such person who is eligible to receive such services under an agreement with the Federal Government, another state, certain territories or an Indian tribe. **Sections 30-32** of this bill make similar revisions concerning the duties of the Bureau of Vocational Rehabilitation.

Existing law requires the Division to direct the Bureau of Services to Persons Who Are Blind or Visually Impaired to adopt administrative regulations to enforce provisions of law concerning the provision of services for persons who are blind. (NRS 426.560) **Section 11** of this bill makes slight revisions concerning those regulations.

Sections 12 and 23 of this bill require the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation to employ persons skilled in the vocational rehabilitation of persons who are blind or individuals with disabilities, as appropriate, to allow such persons or individuals to engage in competitive integrated employment.

Sections 13 and 40 of this bill: (1) expressly provide that the unauthorized receipt, use or disclosure of information concerning persons who apply for or receive services for persons who are blind or individuals with disabilities is a misdemeanor; and (2) revise the circumstances under which the receipt, use or disclosure of such information is authorized.

Section 14 of this bill allows the denial of services for persons who are blind to persons who are ineligible to receive those services under federal law or for which the person is required by federal regulations to use comparable services and benefits paid for by another public or private entity. **Sections 15 and 39** of this bill make nonsubstantive revisions concerning appeals of actions, determinations or omissions made by the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation. **Section 16** of this bill removes the designation of the Division as the state unit for carrying out certain programs for independent living prescribed in federal law.

Sections 19, 32, 36, 37, 42 and 43 of this bill remove the authority of the Bureau of Vocational Rehabilitation to: (1) establish or construct rehabilitation facilities and workshops; and (2) provide for the establishment, supervision, management and control of small business enterprises to be

operated by persons with severe disabilities. **Section 38** of this bill expands the purposes for which money in the Rehabilitation Gift Account in the Department of Employment, Training and Rehabilitation's Gift Fund may be used.

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

Section 1. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The purposes of NRS 426.518 to 426.610, inclusive, and sections 2 to 6, inclusive, of this act are to:*

1. Provide vocational rehabilitation services to persons who are blind so that they may prepare for and engage in competitive integrated employment;

2. Promote vocational rehabilitation services and related activities which will assist persons who are blind to reach their fullest potential; and

3. Encourage and develop facilities and other resources needed by persons who are blind to engage in competitive integrated employment.

Sec. 3. *“Competitive integrated employment” has the meaning ascribed to it in 29 U.S.C. § 705.*

Sec. 4. *“Substantial impediment to employment” means that a loss or impairment of eyesight, in light of attendant medical, psychological, vocational, cultural, social or environmental factors, hampers a person's occupational performance by preventing the person from obtaining, retaining or preparing for competitive integrated employment consistent with the capabilities and abilities of the person.*

Sec. 5. *“Vocational rehabilitation services” means any goods and services necessary to prepare a person who is blind to engage in competitive integrated employment or to determine the rehabilitation potential of the person.*

Sec. 6. *1. To the extent required by 34 C.F.R. § 361.50, the Division may adopt, amend and repeal policies concerning the nature and scope of vocational rehabilitation services provided to persons who are blind.*

2. Any adoption, amendment or repeal of a policy pursuant to subsection 1 must occur at a public meeting held in compliance with the provisions set forth in chapter 241 of NRS concerning open meetings.

Sec. 7. NRS 426.518 is hereby amended to read as follows:

426.518 As used in NRS 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act*, the words and terms defined in NRS 426.519 and 426.520 *and sections 3, 4, and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 426.520 is hereby amended to read as follows:

426.520 “Person who is blind” means a person *who*:

1. ~~Is described in NRS 426.082 [and any person who by reason of]; and~~

2. ~~Has a loss or impairment of eyesight [is unable to provide himself or herself with the necessities of life, and who has not sufficient income of his or her own to maintain himself or herself.]~~ **which constitutes a substantial impediment to employment for which vocational rehabilitation services:**

(a) ~~May reasonably be expected to prepare the person to engage in competitive integrated employment which is consistent with the abilities of the person; or~~

(b) ~~Are necessary to determine the rehabilitation potential of the person.~~

Sec. 9. NRS 426.531 is hereby amended to read as follows:

426.531 The Department , **through the Director**, shall administer the provisions of NRS 426.518 to 426.610, inclusive, **and sections 2 to 6, inclusive, of this act** as the sole agency in the State for such purpose.

Sec. 10. NRS 426.550 is hereby amended to read as follows:

426.550 1. The Bureau must be headed by the Administrator.

2. The Bureau shall:

(a) Assist persons who are blind in achieving physical and psychological orientation ~~[,] and~~ inform persons who are blind of available services ~~[, stimulate and] to~~ assist persons who are blind in achieving ~~[social and economic independence, and do all things which will ameliorate the condition of persons who are blind.]~~ **their vocational goals.**

(b) Provide intensive programs of ~~[ease finding,] education, training, job [findings and placement,] development,~~ physical restoration ~~[,] and~~ such other services and equipment as may ~~[assist in rendering] prepare~~ persons who are blind ~~[more self supporting and socially independent.]~~ **to engage in competitive integrated employment.**

(c) **Provide vocational rehabilitation services directly or through other governmental entities or persons to any person who is blind, including any person who is blind who is eligible under the terms of an agreement or arrangement with the Federal Government, another state or an Indian tribe.**

3. The Bureau may:

(a) Provide for treatment or operations to prevent blindness or restore vision to ~~[applicants for or] recipients of services to persons who are blind who request~~ **and are eligible for such services under federal law** and make written application for such treatment or ~~[operation,] operations;~~ and

(b) Pay for ~~[all] necessary expenses incurred in connection with the diagnosis and treatment provided under paragraph (a). [Necessary expenses must include the costs of guide service, maintenance while the patient is away from his or her home, transportation to the eye physician or hospital and return to his or her home, and the cost of nursing home care when such care is necessary.]~~

4. **As used in this section, "state" includes, without limitation, the District of Columbia, Puerto Rico, the United States Virgin Islands and Guam.**

Sec. 11. NRS 426.560 is hereby amended to read as follows:

426.560 1. Subject to the approval of the Department, the Division shall direct the Bureau to ~~make~~ **adopt** administrative regulations to enforce the provisions of this chapter related to services for persons who are blind, which regulations must not conflict with the provisions of this chapter.

2. The regulations must recognize that the **vocational** needs and problems of persons who are blind are ~~special~~ **unique** to them and may differ materially from the **vocational** needs and problems of other persons.

Sec. 12. NRS 426.570 is hereby amended to read as follows:

426.570 1. All employees of the Bureau are directly responsible to the Administrator.

2. Such employees must consist of persons skilled in ~~assisting~~ **the vocational rehabilitation of** persons who are blind to ~~achieve social and economic independence~~ **allow such persons to engage in competitive integrated employment.**

Sec. 13. NRS 426.573 is hereby amended to read as follows:

426.573 1. **Except as otherwise provided in subsection 2, a person shall not solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning persons who are blind applying for or receiving any services directly or indirectly derived from the records, papers, files or communications of the Bureau, or acquired in the course of the performance of its official duties.**

2. Information with respect to any individual applying for or receiving services for persons who are blind ~~shall not~~ **may be received, used or disclosed** by the Bureau or any of its employees to any person, association or body ~~unless~~ .

(a) **If such receipt, use or disclosure is related directly to carrying out the provisions of NRS 426.518 to 426.610, inclusive, and sections 2 to 6, inclusive, of this act;**

(b) **As required by statute, regulation or court order;**

(c) **To protect an applicant, recipient or other person if the applicant or recipient poses a threat to his or her own safety or the safety of others; or** ~~upon~~

(d) **Upon** written permission of the applicant or recipient.

3. **A person who violates the provisions of this section is guilty of a misdemeanor.**

Sec. 14. NRS 426.600 is hereby amended to read as follows:

426.600 ~~No~~

1. **Unless comparable services and benefits must be used pursuant to 34 C.F.R. § 361.53, no** person who is blind who may benefit from services authorized under NRS 426.518 to 426.610, inclusive, **and sections 2 to 6, inclusive, of this act and is eligible to receive such services under federal law** may be denied such services except the services for which a determination of economic need is required ~~pursuant to the State Plan for~~

~~Services to Persons Who Are Blind.] by the policies adopted pursuant to section 6 of this act.~~

2. *As used in this section, "comparable services and benefits" has the meaning ascribed to it in 34 C.F.R. § 361.5.*

Sec. 15. NRS 426.610 is hereby amended to read as follows:

426.610 1. ~~[An applicant for or recipient of]~~ **A person who is blind applying for or receiving** services ~~[for persons who are blind]~~ **from the Bureau** who is aggrieved by an act, determination or omission of the Bureau is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. A person **who is blind who is** aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 16. NRS 232.945 is hereby amended to read as follows:

232.945 ~~[(1)]~~ The Director shall appoint an Administrator of the Rehabilitation Division of the Department. The Administrator:

~~[(a)]~~ 1. Is in the unclassified service of the State unless federal law or regulation requires otherwise, and serves at the pleasure of the Director.

~~[(b)]~~ 2. Shall administer the provisions of law set forth in ~~[paragraph (d)]~~ **subsection 4**, subject to the administrative supervision of the Director.

~~[(c)]~~ 3. Except as otherwise provided in NRS 284.143, shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

~~[(d)]~~ 4. Is responsible for the administration, through the bureaus of the Rehabilitation Division, of the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, **and sections 2 to 6, inclusive, of this act** and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

~~[(e)]~~ 5. Is responsible for the preparation of a consolidated state plan for the Bureau of Services to Persons Who Are Blind or Visually Impaired, the Bureau of Vocational Rehabilitation and any other program administered by the Rehabilitation Division that the Administrator considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This subsection does not apply if any federal regulation exists that prohibits a consolidated plan.

~~[(f)]~~ 6. In developing and revising state plans pursuant to ~~[paragraph (e)]~~ **subsection 5**, shall consider, without limitation:

~~[(1)]~~ (a) The amount of money available from the Federal Government for the programs of the Rehabilitation Division;

~~[(2)]~~ (b) The conditions attached to the acceptance of that money; and

~~[(3)]~~ (c) The limitations of legislative appropriations for the programs.

~~[(g)]~~ 7. May make such expenditures and investigations, require such reports and take such other actions as the Administrator deems necessary or suitable to carry out the functions of the Rehabilitation Division.

~~[(h)]~~ **8.** May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the Rehabilitation Division.

~~[(i)]~~ **9.** Shall determine the organization and methods of procedure for the Rehabilitation Division in accordance with the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, **and sections 2 to 6, inclusive, of this act** and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

~~[(j)]~~ **10.** May adopt, amend or rescind such rules and regulations as the Administrator deems necessary or suitable to carry out the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, **and sections 2 to 6, inclusive, of this act** and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

~~[2. The Rehabilitation Division shall serve as the designated state unit with respect to state programs for independent living established pursuant to 29 U.S.C. §§ 796 et seq. As used in this subsection, “designated state unit” has the meaning ascribed to it in 34 C.F.R. § 364.4.]~~

Sec. 17. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The Governor.
- (b) Except as otherwise provided in NRS 209.221, the Department of Corrections.
- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- (i) The State Board of Examiners acting pursuant to chapter 217 of NRS.
- (j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
- (k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
- (l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- (m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.
- (n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694; ~~or~~

(d) The judicial review of decisions of the Public Utilities Commission of Nevada ~~§~~; *or*

(e) *The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to section 6 or 22 of this act.*

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 18. NRS 483.800 is hereby amended to read as follows:

483.800 1. The following sources shall submit, within 30 days after learning such information, to the Department the name, address, birth date, social security number, visual acuity and any other information which may be required by regulation of the Department, of persons who are blind or

night-blind or whose vision is severely impaired and shall designate whether the person is blind, night-blind or has severely impaired vision:

(a) Hospitals, medical clinics and similar institutions which treat persons who are blind, night-blind or whose vision is severely impaired; and

(b) Agencies of the State and political subdivisions which provide special tax consideration for blindness.

2. When any source described in subsection 1 learns that vision has been restored to any person whose name appears in the registry established pursuant to subsection 3, the fact of restoration of vision must be reported to the registry within 30 days after learning of that fact.

3. The Department may establish a registry for the purposes of this section and adopt regulations governing reports to and operation of the registry.

4. The Department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired.

5. Except as otherwise provided in NRS 239.0115, all information learned by the Department pursuant to this section is confidential and any person who, without the consent of the person concerned, reveals that information for purposes other than those specified in this section, or other than for administration of the Program for Supplemental Security Income, including State Supplementary Assistance pursuant to chapter 422 or 422A of NRS, or services to persons who are blind pursuant to NRS 426.518 to 426.610, inclusive, *and sections 2 to 6, inclusive, of this act*, is guilty of a misdemeanor.

Sec. 19. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. ~~The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.~~

~~2.]~~ The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with an intellectual disability or a person with a related condition participating in a jobs and day training services program.

~~3.]~~ 2. The relationship between a principal and an independent contractor.

Sec. 20. Chapter 615 of NRS is hereby amended by adding thereto the provisions set forth as sections 21, 22 and 23, of this act.

Sec. 21. *“Competitive integrated employment” has the meaning ascribed to it in 29 U.S.C. § 705.*

Sec. 22. 1. *To the extent required by 34 C.F.R. § 361.50, the Division may adopt, amend and repeal policies concerning the nature and scope of vocational rehabilitation services provided to individuals with disabilities.*

2. Any adoption, amendment or repeal of a policy pursuant to subsection 1 must occur at a public meeting held in compliance with the provisions set forth in chapter 241 of NRS concerning open meetings.

Sec. 23. 1. *All employees of the Bureau are directly responsible to the Administrator.*

2. Such employees must consist of persons skilled in the vocational rehabilitation of individuals with disabilities to allow such individuals to engage in competitive integrated employment.

Sec. 24. NRS 615.010 is hereby amended to read as follows:

615.010 1. The purposes of this chapter are to:

(a) ~~Rehabilitate~~ **Provide vocational rehabilitation services to** individuals with disabilities so that they may prepare for and engage in ~~gainful occupations;~~ **competitive integrated employment;**

(b) ~~Provide individuals with physical and mental disabilities with a program of services which will result in greater opportunities for them to enter more fully into the life of the community;~~

~~(c)~~ Promote **vocational rehabilitation services and related** activities which will assist individuals with disabilities to reach their fullest potential; and

~~(d)~~ (c) Encourage and develop facilities and other resources needed by individuals with disabilities ~~to~~ **engage in competitive integrated employment.**

2. The provisions of this chapter shall be liberally construed to effect its stated purposes.

Sec. 25. NRS 615.020 is hereby amended to read as follows:

615.020 As used in this chapter the words and terms defined in NRS 615.023 to 615.140, inclusive, **and section 21 of this act**, unless the context otherwise requires, have the meanings ascribed to them in those sections.

Sec. 26. NRS 615.110 is hereby amended to read as follows:

615.110 “Individual with a disability” means:

1. Any individual who has a physical or mental disability which constitutes a substantial ~~handicap~~ **impediment** to employment ~~but which is of such a nature that~~ **for which** vocational rehabilitation services may reasonably be expected to ~~render~~ **prepare** the individual ~~fit~~ to engage in ~~a gainful occupation, including a gainful occupation~~ **competitive integrated employment** which is ~~more~~ consistent with the capacities and abilities of the individual.

2. Any individual who has a physical or mental disability which constitutes a substantial ~~handicap~~ **impediment** to employment for ~~whom~~ **which** vocational rehabilitation services are necessary ~~for the purposes of the determination of~~ **to determine the** rehabilitation potential ~~of the individual.~~

Sec. 27. NRS 615.120 is hereby amended to read as follows:

615.120 “Physical or mental disability” means ~~a~~ **an ongoing** physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual’s ~~activities~~ **physical** or **mental** functioning. ~~It includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.~~

Sec. 28. NRS 615.130 is hereby amended to read as follows:

615.130 “Substantial ~~handicap~~ **impediment** to employment” means that a physical or mental disability (in the light of attendant medical, psychological, vocational, cultural, social or environmental factors) ~~impedes~~ **hampers** an individual’s occupational performance, by preventing the individual’s obtaining, retaining or preparing for ~~a gainful occupation~~ **competitive integrated employment** consistent with the capacities and abilities of the individual.

Sec. 29. NRS 615.140 is hereby amended to read as follows:

615.140 “Vocational rehabilitation services” means any goods and services necessary to ~~render~~ **prepare** an individual with a disability ~~fit~~ to engage in ~~a gainful occupation~~ **competitive integrated employment** or to determine the rehabilitation potential of the individual.

Sec. 30. NRS 615.170 is hereby amended to read as follows:

615.170 **I.** Vocational rehabilitation services shall be provided directly or through public or private resources to any individual with a disability, including any individual with a disability who is eligible under the terms of an agreement or an arrangement with another state , ~~or with~~ the Federal Government ~~of~~ **or an Indian tribe.**

2. *As used in this section, “state” includes, without limitation, the District of Columbia, Puerto Rico, the United States Virgin Islands and Guam.*

Sec. 31. NRS 615.190 is hereby amended to read as follows:

615.190 The Bureau shall:

1. Take action necessary or appropriate to carry out the purposes of this chapter; ~~and~~

2. Cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of individuals with disabilities, in studying the problems involved therein, and in planning, establishing, developing and providing such programs, facilities and services as may be necessary or desirable ~~of~~; **and**

3. Provide intensive programs of education, training, job development, physical restoration and such other services and equipment as may prepare individuals with disabilities to engage in competitive integrated employment.

Sec. 32. NRS 615.200 is hereby amended to read as follows:

615.200 The Bureau may:

1. Enter into reciprocal agreements with other states, which, for this purpose, may include the District of Columbia, Puerto Rico, the United States Virgin Islands and Guam, *or Indian tribes* to provide for the vocational rehabilitation of individuals within the states *or who are members of the Indian tribes* concerned;

~~2. Establish or construct rehabilitation facilities and workshops and make grants to, or contracts or other arrangements with, public and other nonprofit organizations for the establishment of workshops and rehabilitation facilities;~~

~~3.] Operate facilities for carrying out the purposes of this chapter;~~

~~4.] and~~

3. In matters relating to vocational rehabilitation:

(a) Conduct research, studies, investigations and demonstrations and make reports;

(b) Provide training and instruction, including, without limitation, the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary;

(c) Disseminate information; and

(d) Render technical assistance. ~~]; and~~

~~5. Provide for the establishment, supervision, management and control of small business enterprises to be operated by persons with severe disabilities where their operation will be improved through the management and supervision of the Bureau.]~~

Sec. 33. NRS 615.205 is hereby amended to read as follows:

615.205 1. The ~~Department~~ **Division** shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to persons with autism spectrum disorders who receive vocational rehabilitation services. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to NRS 427A.872;

(c) Include the total number of persons with autism spectrum disorders who are receiving vocational rehabilitation services from the Division;

(d) Include information concerning the types of vocational rehabilitation services provided to persons with autism spectrum disorders, the effectiveness of those services and the reasons for the ineffectiveness of those services, if applicable; and

(e) Include information concerning the technical assistance and training provided to personnel of the Division who work with persons with autism spectrum disorders to improve the effectiveness of vocational rehabilitation services.

2. A person with autism spectrum disorder who is designated as a person with more than one physical or mental impairment or disability must be included as a person with autism spectrum disorder for the purposes of reporting information pursuant to this section.

Sec. 34. NRS 615.220 is hereby amended to read as follows:

615.220 1. To facilitate the making of disability determinations in this state, the Department through the Division, on behalf of the State of Nevada, may enter into an agreement or agreements with the United States Government, by and through the Secretary of ~~Health and Human Services,~~ **Education**, or any other federal agency, for the making of disability determinations, receiving and expending federal money for the making of such determinations, and performing other acts and functions necessary to effectuate the provisions of any Act of Congress, and all applicable federal regulations adopted pursuant thereto.

2. The Department, by and through the Division, shall make the disability determinations required by the provisions of any Act of Congress, and the State Treasurer shall disburse the money required for the making of such determinations upon claims by the Director in the same manner as other claims against the State are paid.

Sec. 35. NRS 615.230 is hereby amended to read as follows:

615.230 1. The Department through the ~~Bureau~~ **Division** may make agreements, arrangements or plans to:

(a) Cooperate with the Federal Government in carrying out the purposes of this chapter or of any federal statutes pertaining to vocational rehabilitation and to this end may adopt such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of such agreements, arrangements or plans for vocational rehabilitation; and

(b) Comply with such conditions as may be necessary to secure benefits under those federal statutes.

2. Upon designation by the Governor, in addition to those provided in subsection 1, the Department through the ~~Bureau~~ **Division** may perform functions and services for the Federal Government relating to persons under a physical or mental disability.

Sec. 36. NRS 615.250 is hereby amended to read as follows:

615.250 1. The State Treasurer is designated as custodian of all money received from the Federal Government for carrying out the purposes of this chapter or any agreements, arrangements or plans authorized thereby.

2. The State Treasurer shall make disbursements from that money and from all state money available for the purposes of this chapter upon certification by the designated official of the Bureau.

~~{3. All money earned by the rehabilitation facilities of the Bureau from contracts to provide work to train persons with disabilities must be deposited in the Account for Rehabilitation Facilities in the State General Fund.~~

~~4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.}~~

Sec. 37. NRS 615.255 is hereby amended to read as follows:

615.255 1. There is hereby created the Rehabilitation Division Revolving Account in an amount not to exceed \$90,000. The money in the Revolving Account may be used for the payment of claims of:

(a) Applicants for or recipients of services from:

(1) The Bureau of Vocational Rehabilitation ; ~~{, including, without limitation, the rehabilitation facilities described in subsection 2 of NRS 615.200;}~~ and

(2) The Bureau of Services to Persons Who Are Blind or Visually Impaired, including, without limitation, the Vending Stand Program for Persons Who Are Blind authorized by NRS 426.630 to 426.720, inclusive.

(b) Vendors providing services to those applicants or recipients under procedures established by the Division.

2. The money in the Revolving Account must be deposited in a bank or credit union qualified to receive deposits of public money. The bank or credit union shall secure the deposit with a depository bond satisfactory to the State Board of Examiners, unless it is otherwise secured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

3. After expenditure of money from the Revolving Account, the Administrator shall present a claim to the State Board of Examiners. When approved by the State Board of Examiners, the State Controller shall draw his or her warrant in the amount of the claim in favor of the Rehabilitation Division Revolving Account, to be paid to the order of the Administrator, and the State Treasurer shall pay it.

4. Money in the Rehabilitation Division Revolving Account does not revert to the State General Fund at the end of the fiscal year, but remains in the Revolving Account.

5. Purchases paid for from the Rehabilitation Division Revolving Account for the purposes authorized by subsection 1 may be exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or the designated representative of the Administrator.

Sec. 38. NRS 615.260 is hereby amended to read as follows:

615.260 1. All gifts of money which the Bureau is authorized to accept must be deposited in the State Treasury for credit to the Rehabilitation Gift Account in the Department of Employment, Training and Rehabilitation's Gift Fund. The money may be invested and reinvested and must be used in accordance with the conditions of the gift ~~{}~~ ***or to carry out the provisions of this chapter and other programs or laws administered by the Bureau.***

2. All claims must be approved by the Administrator before they are paid.

Sec. 39. NRS 615.280 is hereby amended to read as follows:

615.280 1. ~~Any person~~ **An individual with a disability** applying for or receiving vocational rehabilitation *services from the Bureau* who is aggrieved by any ~~action or inaction~~ **act, determination or omission** of the Bureau ~~for the Administrator with respect to the person~~ is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. ~~A person~~ **An individual with a disability who is** aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 40. NRS 615.290 is hereby amended to read as follows:

615.290 ~~It is unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program or any other arrangements, agreements or plans pursuant to this chapter, and in accordance with regulations of the Bureau, for any]~~

1. **Except as otherwise provided in subsection 2, a person ~~to~~ shall not** solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving any services under this chapter, directly or indirectly derived from the records, papers, files or communications of the Bureau, or acquired in the course of the performance of its official duties.

2. **Information with respect to any individual applying for or receiving services under this chapter may be received, used or disclosed by the Bureau or any of its employees to any person, association or body:**

(a) **If such receipt, use or disclosure is related directly to carrying out the provisions of this chapter;**

(b) **As required by statute, regulation or court order;**

(c) **To protect an applicant, recipient or other person if the applicant or recipient poses a threat to his or her own safety or the safety of others; or**

(d) **Upon written permission of the applicant or recipient.**

3. **A person who violates the provisions of this section is guilty of a misdemeanor.**

Sec. 41. NRS 616A.360 is hereby amended to read as follows:

616A.360 “Vocational rehabilitation services” ~~has the meaning ascribed to it in NRS 615.140.]~~ **means any goods or services necessary to ~~render] prepare an individual with a disability ~~fit~~ to engage in ~~a gainful occupation]~~ competitive integrated employment, as defined in 29 U.S.C. § 705, or to determine the rehabilitation potential of the individual.~~**

Sec. 42. NRS 616B.621 is hereby amended to read as follows:

616B.621 1. In case of injury, coverage by industrial insurance must be provided for trainees while enrolled in a rehabilitation facility ~~operated]~~ by the Rehabilitation Division of the Department of Employment, Training and

Rehabilitation, related to evaluation, treatment, training, surgical apparatuses or medications.

2. The Director of the Department of Employment, Training and Rehabilitation shall make payments to the insurer on all trainees *who are* enrolled in a rehabilitation facility ~~operated~~ by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation in this State at the rate approved by the Commissioner and based on a wage of \$200 per month per trainee.

~~{3. Payments must be made from the Account for Rehabilitation Facilities of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.}~~

Sec. 43. NRS 615.040, 615.080, 615.090, 615.100, 615.175 and 616A.200 are hereby repealed.

Sec. 44. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

615.040 “Construct” defined.

615.080 “Establishment of a rehabilitation facility” defined.

615.090 “Establishment of a workshop” defined.

615.100 “Gainful occupation” defined.

615.175 Organizations that operate certain rehabilitation facilities or workshops: Requirements; audits; submission of tax information.

616A.200 “Employee”: Trainees in facility operated by Rehabilitation Division of Department of Employment, Training and Rehabilitation.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 38.

SUMMARY—Abolishes certain boards, commissions and councils relating to ~~natural resources.~~ **agricultural products.** (BDR ~~{46-312}~~ **40-312**)

AN ACT relating to governmental administration; abolishing the ~~Mining Oversight and Accountability Commission, the~~ Garlic and Onion Growers’ Advisory Board, the State Dairy Commission, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products; transferring the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture; revising provisions

governing the special assessment levied upon all garlic and onions grown and harvested in this State for commercial use and all alfalfa seed grown in this State; clarifying the authority of the State Department of Agriculture to test products to ensure appropriate food safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law creates the Mining Oversight and Accountability Commission and provides for the membership of the Commission. (NRS 514A.040) The Commission is required to provide oversight of compliance with Nevada law relating to the activities of each state agency, board, bureau, commission, department or division with respect to taxation, operation, safety and environmental regulation of mines and mining in this State. (NRS 514A.060)~~ Existing law ~~also~~ creates the Garlic and Onion Growers' Advisory Board, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products and sets forth the powers and duties of those boards and that council. (NRS 556.020, 556.040, 587.135, 587.145, 587.810) **Section 43** of this bill abolishes the ~~Mining Oversight and Accountability Commission, the~~ Garlic and Onion Grower's Advisory Board, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products. ~~Sections 1-4,~~ **Sections 7-10, 14, 15 and 32-35** of this bill make conforming changes.

Existing law requires the State Department of Agriculture, on or before August 1 of each year, to fix an annual special assessment not to exceed \$10 per acre to be levied upon all garlic and onions grown and harvested in this State for commercial use and not to exceed 50 cents per hundred weight of alfalfa seed to be levied upon all alfalfa seed grown in this State. (NRS 556.070, 587.155) **Sections 11 and 36** of this bill authorize, rather than require, the Department to fix the annual special assessment. **Sections 12-15, 37 and 38** of this bill make conforming changes.

Existing law creates the State Dairy Commission consisting of three members within the State Department of Agriculture. (NRS 584.031) Existing law sets forth the powers and duties of the Commission which include, without limitation: (1) the authority to enter into contracts with any person to assist the Commission in carrying out the duties of the Commission; (2) the duty to maintain a separate record of the classes and sources of income credited to the Dairy Commission Fund and of the disbursements from the Fund; (3) the authority to adopt regulations to carry out the provisions governing dairy products and the duty to enforce those provisions; (4) the authority to issue licenses to distributors and to require the registration of producers; and (5) the authority to formulate a stabilization and marketing plan for certain purposes relating to the production, distribution and sale of fluid milk, fluid cream and other dairy products. (NRS 584.047, 584.057, 584.067, 584.077, 584.089, 584.547) **Sections 5, 6 and 16-31** of this bill transfer the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture. **Section**

6 also clarifies that the provisions of law governing the administration of public health do not modify or alter the authority of the State Department of Agriculture to test products to ensure appropriate food safety.

Sections 39-42 of this bill set forth transitory provisions concerning the abolishment of the boards, ~~commissions,~~ **commission** and council specified in this bill and the transfer of the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture, including the transfer and adoption of regulations, the effect of name changes on any existing contracts, revisions that may be necessary to other provisions of existing law and regulations to the changes made in this bill and other necessary direction to carry out the intent of this bill.

If this bill is enacted, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau will be required by **section 40** and NRS 220.120 to conform all sections of law not included in this bill to the provisions and reorganization of this bill.

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

Section 1. ~~[NRS 512.140 is hereby amended to read as follows:~~

~~512.140 The Administrator shall submit annually to the Governor, [and to the Mining Oversight and Accountability Commission created by NRS 514A.040,] as soon as practicable after the beginning of each calendar year, a full report of the administration of the Administrator's functions under this chapter during the preceding calendar year. The report must include, either in summary or detailed form, the information obtained by the Administrator under this chapter together with such findings and comments thereon and such recommendations as the Administrator may deem proper.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 513.063 is hereby amended to read as follows:~~

~~513.063 The Commission shall:~~

- ~~1. Keep itself informed of and interested in the entire field of legislation and administration charged to the Division.~~
- ~~2. Report to the Governor [, the Mining Oversight and Accountability Commission created by NRS 514A.040] and the Legislature on all matters which it may deem pertinent to the Division, and concerning any specific matters previously requested by the Governor. [for the Mining Oversight and Accountability Commission.]~~
- ~~3. Advise and make recommendations to the Governor [, the Mining Oversight and Accountability Commission] and the Legislature concerning the policy of this State relating to minerals.~~
- ~~4. Formulate the administrative policies of the Division.~~
- ~~5. Adopt regulations necessary for carrying out the duties of the Commission and the Division.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 513.093 is hereby amended to read as follows:~~

~~513.093 The Administrator:~~

- ~~1. Shall coordinate the activities of the Division.~~
- ~~2. Shall report to the Commission upon all matters pertaining to the administration of the Division.~~
- ~~[3. Shall attend each regular meeting of the Mining Oversight and Accountability Commission created by NRS 514A.040 and each special meeting if requested by the Chair of that Commission and:~~
- ~~(a) Report to the Mining Oversight and Accountability Commission on the activities of the Division undertaken since the Division's previous report, including, without limitation, an accounting of any fees or fines imposed or collected;~~
- ~~(b) The current condition of mining and of exploration for and production of oil, gas and geothermal energy in the State; and~~
- ~~(c) Provide any technical information required by the Mining Oversight and Accountability Commission during the course of the meeting.}] **(Deleted by amendment.)**~~

Sec. 4. ~~[NRS 362.120 is hereby amended to read as follows:~~

- ~~362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.~~
- ~~2. The gross yield must include the value of any mineral extracted which was:~~
- ~~(a) Sold;~~
- ~~(b) Exchanged for any thing or service;~~
- ~~(c) Removed from the State in a form ready for use or sale; or~~
- ~~(d) Used in a manufacturing process or in providing a service,~~
- ~~during that period.~~
- ~~3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:~~
- ~~(a) The actual cost of extracting the mineral, which is limited to direct costs for activities performed in the State of Nevada;~~
- ~~(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.~~
- ~~(c) The actual cost of reduction, refining and sale.~~
- ~~(d) The actual cost of delivering the mineral.~~
- ~~(e) The actual cost of maintenance and repairs of:~~
- ~~(1) All machinery, equipment, apparatus and facilities used in the mine.~~
- ~~(2) All milling, refining, smelting and reduction works, plants and facilities.~~
- ~~(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.~~
- ~~(f) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph~~

~~(e) The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.~~

~~—(g) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for employees actually engaged in mining operations within the State of Nevada.~~

~~—(h) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.~~

~~—(i) The costs of employee travel which occurs within the State of Nevada and which is directly related to mining operations within the State of Nevada.~~

~~—(j) The costs of Nevada-based corporate services relating to paragraphs (e) to (i), inclusive.~~

~~—(k) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit, which is limited to work that is necessary to the operation of the mine or group of mines.~~

~~—(l) The costs of reclamation work in the years the reclamation work occurred, including, without limitation, costs associated with the remediation of a site.~~

~~—(m) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.~~

~~4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.~~

~~5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department. [The Department shall report annually to the Mining Oversight and Accountability Commission the expenses and deductions of each mining operation in the State of Nevada.]~~

~~6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:~~

~~—(a) The working of the mine;~~

~~—(b) The operating of the mill, smelter or reduction works;~~

~~—(c) The operating of the facilities or equipment for transportation;~~

~~—(d) Superintending the management of any of those operations;~~

~~—(e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations; or~~

~~(f) Nevada based corporate services.~~

~~7. The following expenses are specifically excluded from any deductions from the gross yield:~~

~~(a) The costs of employee housing.~~

~~(b) Except as otherwise provided in paragraph (i) of subsection 3, the costs of employee travel.~~

~~(c) The costs of covering the employment of any employees.~~

~~(d) Any dues paid to a third party organization or trade association to promote or advertise a product.~~

~~(e) Expenses relating to governmental relations or to compensate a natural person or entity to influence legislative decisions.~~

~~(f) The costs of mineral exploration.~~

~~(g) Any federal, state or local taxes.~~

~~8. As used in this section, "Nevada based corporate services" means corporate services which are performed in the State of Nevada from an office located in this State and which directly support mining operations in this State, including, without limitation, accounting functions relating to mining operations at a mine site in this State such as payroll, accounts payable, production reporting, cost reporting, state and local tax reporting and recordkeeping concerning property.] **(Deleted by amendment.)**~~

Sec. 5. NRS 439.240 is hereby amended to read as follows:

439.240 1. The University of Nevada School of Medicine shall maintain the State Public Health Laboratory, and may designate, establish or maintain such branch laboratories as may be necessary.

2. The purpose of the State Public Health Laboratory is:

(a) To make available, at such charges as may be established, to health officials, the *Director of the State* ~~[Dairy Commission]~~ *Department of Agriculture* and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases.

(b) To make necessary examinations and analyses of water, natural ice, sewage, milk, food and clinical material.

(c) To conduct research into the nature, cause, diagnosis and control of diseases.

(d) To undertake such other technical and laboratory duties as are in the interest of the health of the general public.

3. The person in charge of the State Public Health Laboratory, or the person's designee, must be a skilled bacteriologist.

4. The person in charge of the State Public Health Laboratory may have such technical assistants as that person, in cooperation with the University of Nevada School of Medicine, considers necessary.

5. Reports of investigations conducted at the State Public Health Laboratory may be published from time to time in bulletins and circulars.

6. If the University of Nevada School of Medicine designates a branch laboratory pursuant to subsection 1 that is operated or controlled by a public agency other than the University of Nevada School of Medicine, the public

agency and the University of Nevada School of Medicine shall enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, concerning the branch laboratory. The cooperative agreement must include, without limitation, provisions setting forth the powers and duties of each party to the cooperative agreement.

Sec. 6. NRS 439.540 is hereby amended to read as follows:

439.540 Nothing contained in this chapter may be construed as modifying or altering the powers conferred by law upon the Commissioner of Food and Drugs with respect to the adulteration, mislabeling or misbranding of foods, drugs, medicines and liquors, or the powers conferred by law upon the *Director of the State* ~~[Dairy Commission]~~ *Department of Agriculture* with respect to the weighing and testing of ~~[dairy]~~ products to prevent fraud ~~[]~~ *and to ensure appropriate food safety.*

Sec. 7. NRS 556.010 is hereby amended to read as follows:

556.010 As used in this chapter, unless the context otherwise requires:

1. ~~[“Advisory Board” means the Garlic and Onion Growers’ Advisory Board.~~

~~—2.]~~ “Department” means the State Department of Agriculture.

~~[3.]~~ 2. “Grower” means any landowner personally engaged in growing garlic or onions, or a landowner and the landowner’s tenant jointly, and includes a natural person, partnership, association, corporation, cooperative organization, trust, sharecropper and all other business units, devises or arrangements that grow garlic or onions.

Sec. 8. NRS 556.040 is hereby amended to read as follows:

556.040 ~~[The Advisory Board may:~~

~~—1. Elect a Chair and such other officers from its members as it deems advisable.~~

~~—2. Prepare a budget covering anticipated income and expenses for utilization of the money deposited to the Garlic and Onion Research and Promotion Account.~~

~~—3. Adopt procedures for filing with the Advisory Board any proposed garlic or onion research project or market promotion project.~~

~~—4. Prepare]~~ *Any grower or employee of the Department may prepare* and present to the State Board of Agriculture a program for research in the production, harvesting, processing, distribution and market promotion of garlic and onions. The program must contain a recommendation of a natural person or agency to conduct or manage each project, the time period for each project and the budget allocation for the project.

~~[5. Adopt regulations establishing the conditions, if any, under which a member of the Advisory Board is entitled to claim a per diem allowance.]~~

Sec. 9. NRS 556.050 is hereby amended to read as follows:

556.050 All gifts or grants of money ~~[which the Advisory Board is authorized to accept]~~ *received pursuant to this chapter* must be deposited with the State Treasurer for credit to the Garlic and Onion Research and Promotion Account.

Sec. 10. NRS 556.060 is hereby amended to read as follows:

556.060 1. The State Board of Agriculture may:

(a) ~~Appoint the members of the Advisory Board, fix their terms of office and fill all vacancies.~~

~~(b) Establish procedures for the Nevada garlic and onion industry to recommend persons for appointment to the Advisory Board.~~

~~(c) Administer, enforce and control the collection of assessments levied for the Garlic and Onion Research and Promotion Account.~~

~~(d) (b) Authorize payments from the Garlic and Onion Research and Promotion Account . Upon the recommendation of the Advisory Board.~~

~~(e) (c) Contract with natural persons or agencies for the conduct or management of research projects and market-promotion projects.~~

~~(f) (d) Adopt regulations to carry out the provisions of this chapter.~~

2. Money from the State General Fund may not be utilized by the State Board of Agriculture in carrying out the provisions of this chapter. Expenditures for those purposes may be made only from the Garlic and Onion Research and Promotion Account created by NRS 561.423, and are subject to the limitations stated in that section.

Sec. 11. NRS 556.070 is hereby amended to read as follows:

556.070 The Department ~~shall,~~ **may**, on or before August 1 of each year, fix an annual special assessment not to exceed \$10 per acre to be levied upon all garlic and onions grown and harvested in this State for commercial use. ~~The~~ **If the Department levies the assessment, the** Department shall collect the assessment and transmit the proceeds to the State Treasurer for credit to the Garlic and Onion Research and Promotion Account.

Sec. 12. NRS 556.080 is hereby amended to read as follows:

556.080 ~~All~~ **If any** assessments **are** levied pursuant to the provisions of NRS 556.070, **the assessments** must be:

1. Paid to the Department by the grower of garlic or onions; and

2. Paid by December 1 of each year for the garlic or onions harvested within the 12 months immediately preceding that date.

Sec. 13. NRS 556.090 is hereby amended to read as follows:

556.090 ~~Any~~ **If an assessment is levied pursuant to NRS 556.070, any** grower who fails to pay ~~any~~ **the** assessment ~~pursuant to NRS 556.070~~ by December 1 of each year as required by NRS 556.080 forfeits to the Department a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after December 31 of the year that the assessment became due. The Department, if satisfied the delay was excusable, may remit any part of the penalty. The penalty must be paid to the Department and deposited for credit to the Garlic and Onion Research and Promotion Account.

Sec. 14. NRS 561.409 is hereby amended to read as follows:

561.409 1. The Alfalfa Seed Research and Promotion Account is hereby created in the State General Fund. The proceeds of the special assessment levied pursuant to NRS 587.155, **if any**, must be credited to the

Alfalfa Seed Research and Promotion Account and all refunds made pursuant to NRS 587.155 must be paid from the Alfalfa Seed Research and Promotion Account.

2. Expenditures from the Alfalfa Seed Research and Promotion Account may be made only for:

(a) Alfalfa seed research and marketing promotion programs; *and*

(b) ~~Administrative, per diem and travel expenses of the Alfalfa Seed Advisory Board; and~~

~~(c)~~ Reimbursement to the Department for administrative expenses of the Department, not to exceed 5 percent of the assessments collected.

Sec. 15. NRS 561.423 is hereby amended to read as follows:

561.423 1. The Garlic and Onion Research and Promotion Account is hereby created in the State General Fund. The proceeds of the special assessment levied pursuant to NRS 556.070 , *if any*, must be credited to the Account.

2. Expenditures from the Account may be made only for:

(a) Garlic and onion research programs and marketing-promotion programs; *and*

(b) ~~Administrative, per diem and travel expenses of the Garlic and Onion Growers' Advisory Board; and~~

~~(c)~~ Reimbursement to the Department for administrative expenses of the Department, not to exceed 5 percent of the assessments collected.

Sec. 16. NRS 581.320 is hereby amended to read as follows:

581.320 1. All fluid dairy products must be packaged for retail sale in:

(a) Units of 1 gill or less, one-half liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, one-half gallon, 3 liquid quarts, 1 gallon, 1 1/2 gallons, 2 gallons, 2 1/2 gallons or multiples of 1 gallon; or

(b) Such other amounts as are approved ~~[, jointly,]~~ by the ~~[State Dairy Commission and the]~~ State Sealer of Consumer Equitability.

2. Each container used for the sale of such products must:

(a) Be marked with its capacity;

(b) Be marked with the name, initial or trademark of the manufacturer;

(c) Be marked with such other information as required by the ~~[State Dairy Commission and the]~~ State Sealer of Consumer Equitability; and

(d) If the fluid dairy product is packaged for retail sale in an amount other than a unit of measure listed in paragraph (a) of subsection 1, be marked with its capacity in fluid ounces and a comparison of that quantity with the unit of measure that is closest in volume in sufficient size and prominence to inform the public of the difference in volume.

3. This section does not apply to eating establishments serving milk in glasses with meals.

Sec. 17. Chapter 584 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. *“Department” means the State Department of Agriculture.*

Sec. 19. *“Director” means the Director of the Department.*

Sec. 20. NRS 584.001 is hereby amended to read as follows:

584.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[584.005,]~~ 584.007 and 584.009 **and sections 18 and 19 of this act** have the meanings ascribed to them in those sections.

Sec. 21. NRS 584.047 is hereby amended to read as follows:

584.047 1. The ~~[Commission]~~ **Director** may enter into contracts with any person to assist ~~[it]~~ **the Director** in carrying out ~~[the]~~ **his or her** duties ~~[of the Commission by performing any duty imposed on the Commission]~~ pursuant to this chapter.

2. As used in this section, “person” includes a government, a governmental agency and a political subdivision of a government.

Sec. 22. NRS 584.049 is hereby amended to read as follows:

584.049 The ~~[State]~~ Department ~~[of Agriculture, including the Commission,]~~ is hereby declared to be the instrumentality of this state for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent expressed in this chapter, and is hereby vested with the administrative authority described in this chapter.

Sec. 23. NRS 584.053 is hereby amended to read as follows:

584.053 1. There is hereby created in the State Treasury a special revenue fund designated as the Dairy ~~[Commission]~~ Fund. Except as otherwise required in NRS 584.670, all money received ~~[by the Commission]~~ pursuant to the provisions of this chapter must be paid into the Fund and must be expended for the administration and enforcement of the provisions of this chapter or for any other purpose authorized by the Legislature.

2. The interest and income earned on the money in the Dairy ~~[Commission]~~ Fund, after deducting any applicable charges, must be credited to the Fund.

Sec. 24. NRS 584.063 is hereby amended to read as follows:

584.063 A full and accurate record of business or acts performed or of testimony taken by the ~~[Commission]~~ **Director** in pursuance of the provisions of this chapter must be kept and placed on file ~~[in the Office of the Commission,]~~ **by the Director.**

Sec. 25. NRS 584.071 is hereby amended to read as follows:

584.071 A copy of every regulation adopted by the ~~[Commission]~~ **Director** must be published immediately after adoption and ~~[issued in pamphlet form for distribution to local health officers and, upon application therefor, to licensed or other dairies, creameries and other persons interested in them.]~~ **posted on the Internet website maintained by the Department.**

Sec. 26. NRS 584.089 is hereby amended to read as follows:

584.089 The ~~[Commission]~~ **Director** shall enforce the provisions of this chapter and any stabilization and marketing plan initiated pursuant to the provisions of NRS 584.325 to 584.670, inclusive.

Sec. 27. NRS 584.091 is hereby amended to read as follows:

584.091 ~~Constables, police officers and sheriffs may, upon request,~~
Each field agent or inspector of the Department who has the powers of a peace officer pursuant to NRS 289.290 shall render assistance to the ~~Commission, any member of the Commission or any authorized representative of the Commission,~~ **Director** in the enforcement of the provisions of this chapter.

Sec. 28. NRS 584.107 is hereby amended to read as follows:

584.107 Any person who violates any provision of the regulations adopted pursuant to NRS 584.103, or refuses or neglects to obey any lawful order of the ~~Commission,~~ **Director**, is guilty of a misdemeanor.

Sec. 29. NRS 584.225 is hereby amended to read as follows:

584.225 1. The ~~Commission~~ **Director** may, by regulation, establish a fee of not more than \$10 for issuing and renewing a milk tester's license.

2. All licenses required under NRS 584.215 to 584.285, inclusive, expire at the end of each calendar year.

Sec. 30. NRS 584.547 is hereby amended to read as follows:

584.547 The ~~Commission~~ **Director** may formulate any stabilization and marketing plan as prescribed in NRS 584.325 to 584.670, inclusive, and declare the same effective after public hearing and reasonable notice by mail or otherwise to all producers and distributors of record with the ~~Commission~~ **Director** affected by such plan.

Sec. 31. NRS 584.670 is hereby amended to read as follows:

584.670 1. The violation of any provision of NRS 584.325 to 584.670, inclusive, or of any stabilization and marketing plan, including any price requirements of such a plan, or of any of the unfair practice provisions set forth in those sections, is a misdemeanor, and also is ground for revocation or suspension of a license in the manner set forth in NRS 584.325 to 584.670, inclusive.

2. Every distributor shall pay for fluid milk or fluid cream delivered to the distributor at the time and in the manner specified in the contract with the producer. Failure to make such a payment is ground for refusal, suspension or revocation of a license in the manner set forth in NRS 584.325 to 584.670, inclusive.

3. In addition to any other penalty provided by NRS 584.325 to 584.670, inclusive, the ~~Commission~~ **Director** may impose a penalty of not more than \$1,000 for each violation, to be recovered by the ~~Commission~~ **Director** in a civil action in a court of competent jurisdiction. All sums recovered under this subsection must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 32. NRS 587.131 is hereby amended to read as follows:

587.131 As used in NRS 587.131 to 587.181, inclusive, unless the context requires otherwise:

1. ~~["Advisory Board" means the Alfalfa Seed Advisory Board.~~
~~2.]~~ "Alfalfa seed" means the seed that is harvested from any variety of alfalfa plant.

~~3.]~~ 2. "Dealer" means any person, partnership, association, corporation, cooperative or other business unit or device that first handles, packs, ships, buys and sells alfalfa seed.

~~4.]~~ 3. "Grower" means any landowner personally engaged in growing alfalfa seed, or both the owner and tenant jointly, and includes a person, partnership, association, corporation, cooperative organization, trust, sharecropper or any and all other business units, devices or arrangements that grow alfalfa seed.

Sec. 33. NRS 587.145 is hereby amended to read as follows:

587.145 ~~[The Advisory Board has:~~

- ~~1. Only such powers and duties as are authorized by law; and~~
- ~~2. The following powers and duties:~~
 - ~~(a) To elect a chair and such other officers as it deems advisable.~~
 - ~~(b) To prepare a budget covering anticipated income and expenses for utilization of the money deposited to the Alfalfa Seed Research and Promotion Account.~~
 - ~~(c) To adopt procedures for filing with the Advisory Board any proposed alfalfa seed research projects or market promotion projects.~~
 - ~~(d) To] A grower or an employee of the Department may~~ prepare and present to the State Board of Agriculture a program for research in the production, harvesting, processing, distribution and market promotion of alfalfa seed. The program must contain a recommendation of a natural person or agency to conduct or manage each project, the time period for each project and the budget allocation for the project.

Sec. 34. NRS 587.151 is hereby amended to read as follows:

587.151 1. The State Board of Agriculture has the following powers and duties:

- (a) To ~~appoint the members of the Advisory Board, to fix their term of office and to fill all vacancies.~~
- ~~(b) To establish procedures for the Nevada alfalfa seed industry to recommend persons for appointment to the Advisory Board.~~
- ~~(c) To] administer, enforce and control the collection of assessments levied for the Alfalfa Seed Research and Promotion Account.~~

~~(d)] (b) To authorize payments from the Alfalfa Seed Research and Promotion Account. [upon the recommendation of the Advisory Board.~~

~~(e)] (c) To contract with natural persons or agencies for the conduct or management of research and market promotion projects.~~

~~(f)] (d) To adopt regulations to carry out the provisions of NRS 587.131 to 587.181, inclusive.~~

2. Money from the State General Fund may not be utilized by the State Board of Agriculture in carrying out the provisions of NRS 587.131 to 587.181, inclusive. Expenditures for those purposes must be made only from

the Alfalfa Seed Research and Promotion Account created by NRS 561.409, and are subject to the limitations stated in that section.

Sec. 35. NRS 587.153 is hereby amended to read as follows:

587.153 All gifts or grants of money ~~[which the Board is authorized to accept]~~ *received pursuant to this chapter* must be deposited with the State Treasurer for credit to the Alfalfa Seed Research and Promotion Account.

Sec. 36. NRS 587.155 is hereby amended to read as follows:

587.155 1. The Department ~~[shall]~~ *may*, on or before August 1 of each year, fix an annual special assessment not to exceed 50 cents per hundred weight of alfalfa seed to be levied upon all alfalfa seed grown in this state. ~~[The]~~ *If the Department levies the assessment, the* Department shall collect the assessment and transmit the proceeds to the State Treasurer for credit to the Alfalfa Seed Research and Promotion Account.

2. On or before June 30 of each year, any person who has paid the special assessment levied pursuant to this section may file a claim for a refund with the Department accompanied by a receipt showing payment. Upon verification of the correctness of the claim, the Department shall transmit the claim to the State Controller for payment from the Alfalfa Seed Research and Promotion Account.

Sec. 37. NRS 587.161 is hereby amended to read as follows:

587.161 ~~[All]~~ *If any* assessments *are* levied pursuant to the provisions of NRS 587.155 , *the assessments* must be paid to the Department by the person, either grower or dealer, by whom the alfalfa seed was first handled in the primary channels of the trade and must be paid within 60 days after the date on which the grower received payment for the alfalfa seed. If the person first handling the alfalfa seed in the primary channels of trade is a person other than the grower, the person may charge against or recover from the grower the full amount of any assessment paid under NRS 587.155.

Sec. 38. NRS 587.165 is hereby amended to read as follows:

587.165 Any grower or dealer who fails to file a return or ~~[to pay]~~ , *if* any assessment *is levied* pursuant to NRS 587.155 , *fails to pay the assessment* within the period required forfeits to the Department a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after the end of the month in which the return was required to be filed or in which the assessment became due. The Department, if satisfied the delay was excusable, may remit all or any part of the penalty. The penalty must be paid to the Department and deposited for credit to the Alfalfa Seed Research and Promotion Account.

Sec. 39. 1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.

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

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

Sec. 40. The Legislative Counsel shall:

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

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

Sec. 41. 1. Notwithstanding any other provision of law to the contrary, the Director of the State Department of Agriculture shall be deemed to be the successor of the State Dairy Commission, created by NRS 584.031.

2. The current term of membership of any person who, on June 30, 2017, is a member or chair of ~~the Mining Oversight and Accountability Commission,~~ the Garlic and Onion Growers' Advisory Board, the State Dairy Commission, the Alfalfa Seed Advisory Board or the Advisory Council for Organic Agricultural Products expires on July 1, 2017.

3. The provisions of any stabilization and marketing plan formulated by the State Dairy Commission pursuant to NRS 584.547, as amended by section 30 of this act, shall be deemed to be the plan of the Director of the State Department of Agriculture formulated pursuant to NRS 584.547, as amended by section 30 of this act.

Sec. 42. 1. If the name of a fund or account is changed pursuant to the provisions of this act, the State Controller shall change the designation of the name of the fund or account without making any transfer of the money in the fund or account. The assets and liabilities of the fund or account are unaffected by the change of the name.

2. The assets and liabilities of any fund or account transferred from the State Dairy Commission to the Director of the State Department of Agriculture are unaffected by the transfer.

Sec. 43. NRS ~~514.035, 514A.010, 514A.020, 514A.030, 514A.040, 514A.050, 514A.060, 514A.070, 514A.080, 514A.090, 514A.100,~~

~~514A.110,]~~ 556.020, 556.030, 584.005, 584.031, 584.033, 584.037, 584.039, 584.041, 584.043, 584.051, 584.057, 584.059, 587.135, 587.141, 587.810 and 587.820 are hereby repealed.

Sec. 44. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

~~[514.035 Duties of Director.~~

~~514A.010 Definitions.~~

~~514A.020 "Chair" defined.~~

~~514A.030 "Commission" defined.~~

~~514A.040 Creation; membership; terms; vacancies.~~

~~514A.050 Officers; meetings; quorum; compensation; assignment of staff by Department of Taxation.~~

~~514A.060 Duties.~~

~~514A.070 Submission of certain reports and other information to Commission.~~

~~514A.080 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.~~

~~514A.090 Compensation of witnesses.~~

~~514A.100 Requests by Commission for special audits and investigations.~~

~~514A.110 Review of certain regulations required before becoming effective; reports of findings and recommendations.]~~

556.020 Garlic and Onion Growers' Advisory Board: Creation; membership.

556.030 Garlic and Onion Growers' Advisory Board: Service of members without pay.

584.005 "Commission" defined.

584.031 Creation; number of members.

584.033 Members: Appointment; qualifications; Chair; connection with dairy industry prohibited; removal.

584.037 Additional grounds for removal of member.

584.039 Meetings; hearings; quorum; employment of attorney.

584.041 Compensation of members and employees; acceptance and expenditure of money; contracts to promote dairy industry.

584.043 Manager of Operations of Commission.

584.051 Seal.

584.057 Dairy Commission Fund: Commission to keep separate record of credits and disbursements.

584.059 Biennial report.

587.135 Alfalfa Seed Advisory Board: Creation; number and qualifications of members.

587.141 Alfalfa Seed Advisory Board: Members not paid.

587.810 Advisory Council for Organic Agricultural Products: Creation; members; powers.

587.820 Advisory Council for Organic Agricultural Products: Terms of members; vacancy; election of officers; meetings; compensation of members.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 34.

AN ACT relating to records of criminal history; revising provisions governing requirements for the submission of information to the Central Repository for Nevada Records of Criminal History; reducing the period in which the Central Repository may not charge a fee for providing certain information relating to an applicant for professional licensure; revising provisions relating to the Revolving Account to Investigate the Background of Volunteers Who Work With Children; revising the information which must be included within the record of the Repository for Information Concerning Crimes Against Older Persons; revising and repealing certain provisions regarding the dissemination of certain information from the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Central Repository for Nevada Records of Criminal History for the collection and maintenance of certain information relating to records of criminal history. Under existing law, the General Services Division of the Department of Public Safety is authorized to request of and receive from the Federal Bureau of Investigation the background and personal history of a person by submitting to the Federal Bureau of Investigation a complete set of fingerprints of the person which was received by the Central Repository. (NRS 179A.075) **Section 4** of this bill revises the definition of the term "record of criminal history" to include "biometric identifiers," which is defined in **section 2** of this bill as a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

Existing law requires each agency of criminal justice and any other agency dealing with crime or delinquency of children to collect, maintain and submit certain information to the Central Repository. (NRS 179A.075) **Section 5** of this bill eliminates those duties as they pertain to agencies dealing with delinquency of children and establishes certain reporting requirements for compliance with the policies, procedures and definitions prescribed by the Federal Bureau of Investigation for the submission of information to the

Uniform Crime Reporting Program, ~~and information relating to the use of force by law enforcement.~~

Existing law sets forth a list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request. (NRS 179A.100) **Section 8** of this bill ~~removes certain persons and governmental entities from that list, as provisions governing dissemination of records to those persons and entities are included in other state and federal laws and regulations.~~ **adds to that list a county coroner or medical examiner, as needed to conduct an investigation of the death of a person.**

Existing law prohibits the Central Repository from charging a fee for information relating to records of criminal history relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 6 months in conjunction with an application by the person for professional licensure. (NRS 179A.140) **Section 10** of this bill reduces the period in which the fee may not be charged to 90 days.

Existing law establishes the Revolving Account to Investigate the Background of Volunteers Who Work With Children. Money in the Account is to be used to pay the costs to process requests from nonprofit agencies to determine whether a volunteer or prospective volunteer of such an agency who works, or will work, directly with children has committed certain offenses. (NRS 179A.310) **Section 12** of this bill: (1) clarifies that the Central Repository processes requests from the agencies for information on the background of such volunteers; and (2) changes the name of the Account to the Revolving Account to Process Requests for Information on the Background of Volunteers Who Work With Children.

Existing law establishes the Repository for Information Concerning Crimes Against Older Persons within the Central Repository. (NRS 179A.450) **Section 14** of this bill revises the information which must be included within the record of the Repository for Information Concerning Crimes Against Older Persons.

Existing law governs the dissemination of information relating to certain offenses as that information relates to persons who work with children. (NRS 179A.180-179A.240) **Section 21** of this bill repeals those provisions, as provisions governing dissemination of that information are included in federal laws and regulations.

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

Section 1. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license,

manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.575; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with ~~[NRS 179A.180 to 179A.240, inclusive.]~~ ***federal laws and regulations.***

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 2. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

"Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

Sec. 3. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 4. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints *and other biometric identifiers* of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 5. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime ~~for delinquency of children~~ shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository ~~in~~:

(1) *In the manner approved by the Director of the Department* ~~in~~; *and*

(2) *In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.*

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. *Each state and local law enforcement agency ~~and correctional institution~~ shall submit Uniform Crime Reports to the Central Repository:*

(a) *In the manner prescribed by the Director of the Department;*

(b) *In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and*

(c) *Within the time prescribed by the Director of the Department.*

5. ~~Each state and local law enforcement agency and correctional institution shall:~~

~~(a) Collect information relating to the use of force by law enforcement, including, without limitation, force that results in death; and~~

~~(b) Submit the information collected to the Central Repository;~~

~~(1) In the manner prescribed by the Director of the Department; and~~

~~(2) In accordance with the policies, procedures and definitions prescribed by the Federal Bureau of Investigation.~~

~~6.1~~ The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

~~5.7.1~~ 6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

~~{6.-8.7}~~ 7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection ~~{5,-7.7}~~ 6. the Central Repository must receive:

- (a) The person's complete set of fingerprints for the purposes of:
 - (1) Booking the person into a city or county jail or detention facility;
 - (2) Employment;
 - (3) Contractual services; or
 - (4) Services related to occupational licensing;
- (b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or
- (c) Any other biometric identifier of the person as it may require for the purposes of:
 - (1) Arrest; or
 - (2) Criminal investigation,
 ↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

~~{7.-9.7}~~ 8. The Central Repository shall:

- (a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.
- (b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.
- (c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.
- (d) Investigate the criminal history of any person who:
 - (1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;
 - (2) Has applied to a county school district, charter school or private school for employment; or
 - (3) Is employed by a county school district, charter school or private school,
 ↪ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.
- (e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice ~~and the delinquency of children~~ by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

~~§ 10.7~~ 9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime. ~~for the delinquency of children.~~

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime ~~for the delinquency of children~~ which is

required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

~~9-11~~ **10.** As used in this section:

(a) ~~["Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.~~

~~(b)]~~ "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

~~(c)]~~ (b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

~~(d)]~~ (c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 6. NRS 179A.078 is hereby amended to read as follows:

179A.078 The Director of the Department shall establish within the Central Repository a Uniform Program for Reporting Crimes that is designed to collect statistical data relating to crime ~~for delinquency of children~~ and to facilitate the collection and analysis of statistical data relating to crime at a central location.

Sec. 7. NRS 179A.080 is hereby amended to read as follows:

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to records of criminal history and information disseminated pursuant to ~~[NRS 179A.180 to 179A.240, inclusive.]~~ **federal laws and regulations.**

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

Sec. 8. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

- (a) Any which reflect records of conviction only; and
- (b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

- (a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.
- (b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.
- (c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

- (a) Reflect convictions only; or
- (b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. ~~In addition to any other information to which an employer is entitled or authorized to receive from a name based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:~~

- ~~—(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;~~
- ~~—(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and~~
- ~~—(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.~~

~~—5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.~~

~~—6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.~~

~~—7.]~~ Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) ~~(d)~~ A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) ~~(e)~~ Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) ~~(f)~~ Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) ~~(g)~~ Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated

purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) ~~[(k)]~~ Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) ~~[(j)]~~ For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) ~~[(i)]~~ An agency which provides child welfare services, as defined in NRS 432B.030.

(p) ~~[(h)]~~ The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) ~~[(g)]~~ The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) ~~[(f)]~~ An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) ~~[(e)]~~ The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) ~~[(d)]~~ A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

(z) *A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.*

~~§~~ 5. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 9. NRS 179A.110 is hereby amended to read as follows:

179A.110 A record of criminal history or any records of criminal history of the United States or another state obtained pursuant to this chapter must be used solely for the purpose for which the record was requested. No person who receives information relating to records of criminal history pursuant to this chapter or who receives information pursuant to ~~[NRS 179A.180 to 179A.240, inclusive,]~~ ***federal laws or regulations*** may disseminate the information further without express authority of law or in accordance with a court order. This section does not prohibit the dissemination of material by

an employee of the electronic or printed media in a professional capacity for communication to the public.

Sec. 10. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this section, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if the information is provided for purposes of the administration of criminal justice, or for providing such information to the State Disaster Identification Team of the Division of Emergency Management of the Department.

3. The Central Repository shall not charge such a fee:

(a) For information relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding ~~6 months~~ **90 days** in conjunction with the application by that person for professional licensure; or

(b) For information provided to any organization that meets the criteria established by regulation pursuant to paragraph (b) of subsection 5 of NRS 179A.310.

4. The Director may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of paragraph (b) of subsection 3.

5. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 11. NRS 179A.150 is hereby amended to read as follows:

179A.150 1. The Central Repository and each state, municipal, county or metropolitan police agency shall permit a person, who is or believes he or she may be the subject of information relating to records of criminal history maintained by that agency, to appear in person during normal business hours of the agency and inspect any recorded information held by that agency pertaining to that person. This right of access does not extend to data contained in intelligence, investigative or other related files, and does not include any information other than information contained in a record of criminal history.

2. Each such agency shall adopt regulations and make available necessary forms to permit inspection and review of information relating to other records of criminal history by those persons who are the subjects thereof. The regulations must specify:

(a) The reasonable periods during which the records are available for inspection;

(b) The requirements for proper identification of the persons seeking access to the records; and

(c) The reasonable charges or fees, if any, for inspecting records.

3. Each such agency shall procure for and furnish to any person who requests it and pays a reasonable fee therefor, all of the information contained in the Central Repository which pertains to the person making the request.

4. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information relating to records of criminal history by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of criminal history found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A time limit of not more than 90 days within which inaccurate or insufficient information relating to records of criminal history must be corrected and the corrected information disseminated. The corrected information must be sent to each person who requested the information in the 12 months preceding the date on which the correction was made, and notice of the correction must be sent to each person entitled thereto pursuant to ~~[NRS 179A.210.]~~ **federal laws or regulations**, to the address given by each person who requested the information when the request was made.

Sec. 12. NRS 179A.310 is hereby amended to read as follows:

179A.310 1. The Revolving Account to ~~[Investigate]~~ **Process Requests for Information on the Background of Volunteers Who Work With Children** is hereby created in the State General Fund.

2. The Director of the Department shall administer the Account . ~~[to Investigate the Background of Volunteers Who Work With Children.]~~ The money in the Account must be expended only to pay the costs of the Central Repository to process requests from nonprofit agencies ~~[to determine whether]~~ **for information on the background of** a volunteer of a nonprofit agency who works directly with children or a prospective volunteer of the nonprofit agency who will work directly with children . ~~[has committed an offense listed in subsection 4 of NRS 179A.190.]~~ The existence of the Account ~~[to Investigate the Background of Volunteers Who Work With Children]~~ does not create a right in any person to receive money from the Account.

3. The Director of the Department may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account . ~~[to Investigate the Background of Volunteers Who Work With Children.]~~

4. The interest and income earned on money in the Account from any gift, donation or bequest, after deducting any applicable charges, must be credited to the Account. Money from any gift, donation or bequest that remains in the Account at the end of the fiscal year does not revert to the

State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Director of the Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) The procedure by which a person may apply for a grant of money from the Account ; ~~to Investigate the Background of Volunteers Who Work With Children;~~

(b) The criteria that the Department will consider in determining whether to award such a grant of money from the Account; and

(c) Procedures to distribute the money in the Account in a fair and equitable manner.

6. The following facts must not be considered as evidence of negligence or causation in any civil action brought against a nonprofit agency:

(a) The fact that the nonprofit agency did not apply for a grant of money from the Account.

(b) The fact that the nonprofit agency did not request that the Central Repository, through the use of the Account, ~~to determine whether~~ **provide information on the background of** a volunteer or prospective volunteer of the nonprofit agency . ~~has committed an offense listed in subsection 4 of NRS 179A.190.~~

Sec. 13. NRS 179A.315 is hereby amended to read as follows:

179A.315 A state or local governmental agency:

1. May establish forms and procedures for a person to donate money to the Account to ~~investigate~~ **Process Requests for Information on** the Background of Volunteers Who Work With Children while the person is transacting business with the State or local governmental agency; and

2. Shall deposit any money received for the Account ~~to Investigate the Background of Volunteers Who Work With Children~~ with the State Treasurer for credit to the Account.

Sec. 14. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to ~~any entity~~ **state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.**

(b) All cases that ~~are currently under investigation~~ **were investigated** and the type of such cases.

~~(c) All cases that are referred for prosecution and the type of such cases.~~

~~—(d) All cases in which prosecution is declined or dismissed and any reason for such action.~~

~~—(e) All cases that are prosecuted and the final disposition of such cases.~~

~~—(f) All cases that are resolved by agencies which provide protective services and the type of such cases.]~~

~~3. [The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of the abuse, neglect, exploitation, isolation or abandonment of older persons.~~

~~—4.]~~ On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons.

~~[5.—The data acquired pursuant to this section is confidential and must be used only for the purpose of research.]~~

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons.

~~[6.]~~ 5. As used in this section:

(a) “Abandonment” has the meaning ascribed to it in NRS 200.5092.

(b) “Abuse” has the meaning ascribed to it in NRS 200.5092.

(c) “Exploitation” has the meaning ascribed to it in NRS 200.5092.

(d) “Isolation” has the meaning ascribed to it in NRS 200.5092.

(e) “Neglect” has the meaning ascribed to it in NRS 200.5092.

(f) “Older person” means a person who is 60 years of age or older.

Sec. 15. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. The community notification website is the source of record for information available to the public concerning offenders listed in the statewide registry, and must:

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester may provide:

- (a) The name of the subject of the search;
- (b) Any alias of the subject of the search;
- (c) The zip code of the residence, place of work or school of the subject of the search; or
- (d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

4. For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of registration and community notification that are assigned to sex offenders pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.

5. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository shall disclose to the requester information in the statewide registry concerning the offender as provided pursuant to subsection 6.

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; or

(c) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. Except as otherwise provided in subsection 7, if a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides or will reside.

(6) The address of any location where the offender is or will be:

- (I) A student, as defined in NRS 179D.110; or
- (II) A worker, as defined in NRS 179D.120.

(7) The license plate number and a description of any motor vehicle owned or operated by the offender.

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to and the text of the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

(9) The tier level of registration and community notification assigned to the offender pursuant to NRS 179D.010 to 179D.550, inclusive.

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph (c) of subsection 6, the Central Repository shall not provide the requester with:

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless the offender has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph (c) of subsection 6; or

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

8. ~~8. [A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.~~

~~9.]~~ The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

~~10.]~~ **9.** As used in this section, “Tier I offender” has the meaning ascribed to it in NRS 179D.113.

Sec. 16. NRS 41.100 is hereby amended to read as follows:

41.100 1. Except as otherwise provided in this section, ~~and NRS 179A.230,]~~ no cause of action is lost by reason of the death of any person, but may be maintained by or against the person’s executor or administrator.

2. In an action against an executor or administrator, any damages may be awarded which would have been recovered against the decedent if the decedent had lived, except damages awardable under NRS 42.005 or 42.010 or other damages imposed primarily for the sake of example or to punish the defendant.

3. Except as otherwise provided in this subsection, when a person who has a cause of action dies before judgment, the damages recoverable by the decedent’s executor or administrator include all losses or damages which the decedent incurred or sustained before the decedent’s death, including any penalties or punitive and exemplary damages which the decedent would have recovered if the decedent had lived, and damages for pain, suffering or disfigurement and loss of probable support, companionship, society, comfort and consortium. This subsection does not apply to the cause of action of a decedent brought by the decedent’s personal representatives for the decedent’s wrongful death.

4. The executor or administrator of the estate of a person insured under a policy of life insurance may recover on behalf of the estate any loss, including, without limitation, consequential damages and attorney’s fees, arising out of the commission of an act that constitutes an unfair practice pursuant to subsection 1 of NRS 686A.310.

5. This section does not prevent subrogation suits under the terms and conditions of an uninsured motorists’ provision of an insurance policy.

Sec. 17. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, ~~179A.450,]~~ 179D.160, 200.3771, 200.3772, 200.5095,

200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,

692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

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

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

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

Sec. 18. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection ~~7-91 8~~ of NRS 179A.075, and for submission to the

Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;
 (b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

Sec. 19. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;
 (b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection ~~7-91~~ 8 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 20. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. NRS 179A.105, 179A.180, 179A.190, 179A.200, 179A.210, 179A.220, 179A.230 and 179A.240 are hereby repealed.

Sec. 22. This act becomes effective on January 1, 2018.

LEADLINES OF REPEALED SECTIONS

179A.105 Immunity of employer who fails to request certain information concerning volunteer.

179A.180 Definitions.

179A.190 Notice of information may be disseminated to employers; use by employer; employer not liable for discrimination; other dissemination or release; offenses for which notice may be disseminated.

179A.200 Employer may request notice of information; requirements for making request.

179A.210 Request by employer for notice of information; search by Central Repository; dissemination of notice; written report required; correction of information; receipt of new information.

179A.220 Hearings.

179A.230 When person who is subject of notice of information may bring action for damages; when child who is victim of offense committed by employee may bring action for damages against employer; statute of limitations.

179A.240 Unlawful acts.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 24.

AN ACT relating to property; revising procedures governing the disposal of certain property in the custody of certain governmental agencies; authorizing a board of county commissioners or its authorized representative to donate property pursuant to a district court order to certain organizations or entities for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain procedures governing the disposition of stolen or embezzled property which is in the custody of certain governmental agencies. (NRS 179.165) **Section 1** of this bill: (1) expands the scope of these provisions to include property other than that which is stolen or embezzled; (2) authorizes a sheriff of a metropolitan police department to dispose of the property without the requirement of delivering the property to

the county treasurer to petition the district court for an order authorizing the disposal or destruction; **(3) provides that before disposing of the property, a metropolitan police department must file a sworn affidavit with the district court;** and ~~[(3)]~~ **(4)** requires the metropolitan police department to perform an annual audit of the disposition of property and present a report of that audit to the metropolitan police committee on fiscal affairs.

Existing law authorizes a board of county commissioners or its authorized representative to, pursuant to a district court order, donate stolen or embezzled property to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity to provide a substantial benefit to county inhabitants. (NRS 244.1505) **Section 2** of this bill authorizes a board of county commissioners or its authorized representative to donate any property previously in the custody of a law enforcement agency to such organizations or entities to provide a substantial benefit to county inhabitants.

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

Section 1. NRS 179.165 is hereby amended to read as follows:

179.165 ~~Except as otherwise provided by specific statute:~~

1. Except as otherwise provided by specific statute:

~~(a)~~ (a) ~~And except as otherwise provided in subsections subsection 2, and 3,~~ paragraph (b), a law enforcement agency which has custody of property ~~that has been stolen or embezzled is owned by another person or that another person is entitled to possess~~ shall, if the agency knows or can reasonably discover the name and address of the owner or the person entitled to possession of the property, notify the owner or the person entitled to possession of the property by letter of the location of the property and the method by which the owner or the person entitled to possession of the property may claim it.

~~2. If the property that has been stolen or embezzled is a firearm, the law enforcement agency shall notify only the owner of the firearm of the location of the property and the method by which the owner may claim it.~~

~~3.~~ (b) If the property ~~that has been stolen or embezzled~~ was obtained from a pawnbroker pursuant to NRS 646.047, the law enforcement agency shall, in addition to notifying the persons described in ~~subsection 1, or 2, as appropriate,~~ paragraph (a), notify the pawnbroker from whom it was obtained.

~~4. The~~
~~3.~~ (c) *With respect to stolen or embezzled property, the* notice must be mailed by certified or registered mail:

~~(a)~~ (1) Upon the conviction of the person who committed the offense;

~~(b)~~ (2) Upon the decision of the police or district attorney not to pursue or prosecute the case; or

~~(c)~~ (3) When the case is otherwise terminated.

~~[5. 4.]~~ (d) If the property ~~[stolen or embezzled]~~ is not claimed by the owner or the person entitled to possession of the property before the expiration of 6 months after the date the notice is mailed or, if no notice is required, after the date notice would have been sent if it were required, the magistrate or other officer having it in custody shall, except as otherwise provided in this ~~[subsection,]~~ paragraph, on payment of the necessary expenses incurred for its preservation, deliver it to the county treasurer, who shall dispose of the property as provided in ~~[subsection 6. 5.]~~ paragraph (e). If a metropolitan police department which is organized pursuant to chapter 280 of NRS has custody of the property, the sheriff of the department may *take any of the actions set forth in ~~[subsection 6.]~~ paragraph (f) or deliver ~~[it]~~ the property* to the county treasurer and accept the net proceeds, if any, from the disposition of the property pursuant to ~~[subsection 6. 5.]~~ paragraph (e) in lieu of the payment of expenses incurred for the property's preservation.

~~[6. 5.]~~ (e) Upon receiving ~~[stolen or embezzled]~~ property pursuant to ~~[this section, subsection 4.]~~ paragraph (d), the county treasurer shall petition the district court for an order authorizing the county treasurer to:

- ~~[(a)]~~ (1) Conduct an auction for the disposal of salable property;
- ~~[(b)]~~ (2) Dispose of property not deemed salable by donations to charitable organizations or by destruction;
- ~~[(c)]~~ (3) Destroy property the possession of which is deemed illegal or dangerous; or
- ~~[(d)]~~ (4) Dispose of property not purchased at an auction by donations to charitable organizations or by destruction.

~~[6.]~~ (f) *A sheriff of a metropolitan police department may:*

- ~~[(a)]~~ (1) *Conduct an auction for the disposal of salable property;*
- ~~[(b)]~~ (2) *Dispose of property not deemed salable by donations to charitable organizations or by destruction;*
- ~~[(c)]~~ (3) *Destroy property the possession of which is deemed illegal or dangerous; or*
- ~~[(d)]~~ (4) *Dispose of property not purchased at an auction by donations to charitable organizations or by destruction.*

~~[7.]~~ (g) *Before disposing of any property pursuant to paragraph (f), a metropolitan police department shall file a sworn affidavit with the district court attesting that the metropolitan police department:*

- (1) Knows or has made a reasonable effort to discover the name and address of the owner or the person entitled to possession of the property;*
- (2) Has made a reasonable effort to notify the owner or the person entitled to possession of the property of the location of the property and the method by which the owner or the person entitled to possession of the property may claim the property; and*
- (3) Has complied with all requirements of this section pertaining to disposal of the property.*

~~(h)~~ Records of the property disposed of by sale, destruction or donation and an accounting of the cash received by the county treasurer from the sales must be filed with the county clerk.

~~(g)~~ **(i) A metropolitan police department which disposes of property pursuant to ~~subsection 6~~ paragraph (f) shall:**

~~(a)~~ **(1) Perform an annual audit of the disposition of that property; and**

~~(b)~~ **(2) Present a report of that audit to the metropolitan police committee on fiscal affairs created pursuant to NRS 280.130.**

2. As used in this section, "property" means any property that is owned by another person or that another person is entitled to possess which:

(a) Is in the custody of a law enforcement agency;

(b) Has been stolen, embezzled, lost, found, abandoned or unclaimed; and

(c) Is otherwise unrelated to an active criminal case.

Sec. 2. NRS 244.1505 is hereby amended to read as follows:

244.1505 1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) ~~{Stolen or embezzled property}~~ **Property** for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to **paragraph (e) of** subsection ~~{6-5}~~ **1** of NRS 179.165,
 ↪ to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) “Authorized representative” has the meaning ascribed to it in NRS 332.025.

(b) “Nonprofit organization created for religious, charitable or educational purposes” means an organization that meets the requirements set forth in NRS 372.3261.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

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

Amendment No. 21.

AN ACT relating to energy; requiring the ~~[State Public Works Board of the]~~ State Public Works Division of the Department of Administration to conduct an evaluation on installing alternatives to window replacement before replacing windows in certain public buildings ~~; under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill requires the ~~[State Public Works Board of the]~~ State Public Works Division of the Department of Administration to conduct an evaluation on the feasibility of using alternatives to window replacement before the ~~[Board]~~ Division replaces windows in ~~[a]~~ certain public ~~[building]~~ buildings. This bill further requires the ~~[Board]~~ Division to use an alternative to window replacement if the potential savings from use of the alternative exceed the costs of the alternative. This bill exempts the ~~[Board]~~ Division from performing such an evaluation before replacing windows in a state prison facility or institution ~~[r]~~ or windows that are broken. This bill also requires the ~~[Board]~~ Division to obtain the approval of the Office of Historic Preservation of the State Department of Conservation and Natural Resources before replacing the windows or using an alternative to window replacement in a public building that is at least 50 years old.

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

Section 1. Chapter 701B of NRS is hereby amended by adding thereto a new section to read as follows:

1. When considering window replacement in public buildings, the ~~[State Public Works Board of the]~~ State Public Works Division of the Department of Administration shall, except as otherwise provided in

subsection 3, evaluate alternatives to window replacement, including, without limitation:

- (a) Weather stripping;*
- (b) Interior window surface film;*
- (c) Insulating cellular shades;*
- (d) Exterior storm windows;*
- (e) Interior window panels; or*
- (f) Any combination of alternatives listed in paragraphs (a) to (e), inclusive.*

2. An evaluation conducted pursuant to subsection 1 must include the cost of such alternatives to window replacements and potential savings from each alternative, including, without limitation, energy savings. If the ~~State Public Works Board~~ Division determines that the potential savings from the use of an alternative to window replacement exceed the costs of the alternative, the ~~Board~~ Division must use the alternative in lieu of window replacement.

3. The ~~State Public Works Board~~ Division is not required to conduct an evaluation pursuant to subsection 1 before replacing ~~the~~ :

- (a) The windows in a state prison facility or institution ~~it~~ ;*
- (b) A broken window.*

4. A determination to replace the windows or use an alternative to window replacement pursuant to subsection 2 in a public building that is at least 50 years old must be approved by the Office of Historic Preservation of the State Department of Conservation and Natural Resources before the ~~Board~~ Division may use the alternative.

5. As used in this section, "public building" means any building to which the provisions of NRS 341.1405 to 341.148, inclusive, apply.

Sec. 2. NRS 383.021 is hereby amended to read as follows:

383.021 1. The Office of Historic Preservation is hereby created.

2. The Office shall:

(a) Encourage, plan and coordinate historic preservation and archeological activities within the State, including programs to survey, record, study and preserve or salvage cultural resources.

(b) Compile and maintain an inventory of cultural resources in Nevada deemed significant by the Administrator.

(c) Designate repositories for the materials that comprise the inventory.

(d) Provide staff assistance to the Commission.

(e) *Consider requests from the ~~State Public Works Board of the~~ State Public Works Division of the Department of Administration pursuant to section 1 of this act and approve the request if the Office determines the request promotes historic preservation.*

3. The Comstock Historic District Commission is within the Office.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 53.

ASSEMBLYMEN SPIEGEL, ARAUJO, CARRILLO; **BROOKS**, COHEN, FLORES, FRIERSON, FUMO AND JOINER.

JOINT SPONSORS; SENATORS PARKS, MANENDO, ATKINSON, SPEARMAN; AND SEGERBLOM.

AN ACT relating to domestic relations; authorizing the marriage of two persons of any gender under certain circumstances; revising provisions relating to the division of community property and liabilities in certain domestic relations actions; revising certain provisions governing domestic relations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Constitution, only marriage between one man and one woman is recognized. (Nev. Const. Art. 1, § 21) Existing law currently provides that one man and one woman may be joined in marriage. (NRS 122.020) On June 26, 2015, the Supreme Court of the United States held that under the Fourteenth Amendment of the United States Constitution: (1) same-sex couples may exercise the fundamental right to marry; (2) state laws that exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples are invalid; and (3) states may not refuse to recognize a same-sex marriage that was lawfully licensed and performed in another state. *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) **Section 1** of this bill authorizes two persons, regardless of gender, to be joined in marriage. **Sections 2-90** of this bill make conforming changes related to same-sex couples and parents.

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

Section 1. NRS 122.020 is hereby amended to read as follows:

122.020 1. Except as otherwise provided in this section, ~~for a male and a female person,~~ **two persons, regardless of gender**, at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a ~~husband or wife~~ **spouse** living, may be joined in marriage.

2. ~~A male and a female person~~ **Two persons, regardless of gender**, who are ~~the husband and wife of~~ **married to** each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

3. A person at least 16 years of age but less than 18 years of age may marry only if the person has the consent of:

- (a) Either parent; or
- (b) Such person's legal guardian.

Sec. 2. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
 }ss.
 County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage or notary public who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth ~~[Father's name]~~ **Name of Parent No. 1** ~~[Father's state]~~ **State of birth of Parent No.1** (If not in U.S.A., name of country) ~~[Mother's maiden Maiden name]~~ **Name of Parent No. 2** ~~[Mother's state]~~ **State of birth of Parent No. 2** (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) ~~[Wife deceased]~~ **Former Spouse: Deceased** Divorced Annulled When Where And of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth ~~[Father's name]~~ **Name of Parent No. 1** ~~[Father's state]~~ **State of birth of Parent No. 1** (If not in U.S.A., name of country) ~~[Mother's maiden Maiden name]~~ **Name of Parent No. 2** ~~[Mother's state]~~ **State of birth of Parent No. 2** (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) ~~[Husband deceased]~~ **Former Spouse: Deceased** Divorced Annulled When Where; and to certify the marriage according to law.

Witness my hand and the seal of the county, this day of the month of of the year

(Seal)

.....
Clerk
.....
Deputy clerk

Sec. 3. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, or a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, may join together ~~as husband and wife~~ **in marriage** persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage or notary public first obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of \$25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, or a notary public may submit to the county clerk in the county in which a marriage is to be performed an application to perform a specific marriage in the county. The application must:

- (a) Include the full names and addresses of the persons to be married;
- (b) Include the date and location of the marriage ceremony;
- (c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; and
- (d) Be accompanied by an application fee of \$25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage or notaries public to the same extent as if he or she had obtained a certificate of permission to perform marriages.

Sec. 4. NRS 122.080 is hereby amended to read as follows:

122.080 1. After receipt of the marriage license previously issued to persons wishing to be married as provided in NRS 122.040 and 122.050, it is lawful for any justice of the Supreme Court, any judge of the Court of Appeals, any judge of the district court, any justice of the peace in his or her township if it is not a commissioner township, any justice of the peace in a commissioner township if authorized pursuant to subsection 3, any municipal judge if authorized pursuant to subsection 4, any commissioner of civil marriages within his or her county and within a commissioner township therein, or any deputy commissioner of civil marriages within the county of his or her appointment and within a commissioner township therein, to join together ~~[as husband and wife]~~ **in marriage** all persons not prohibited by this chapter.

2. This section does not prohibit:

(a) A justice of the peace of one township, while acting in the place and stead of the justice of the peace of any other township, from performing marriage ceremonies within the other township, if such other township is not a commissioner township.

(b) A justice of the peace of one township performing marriages in another township of the same county where there is no duly qualified and acting justice of the peace, if such other township is not a commissioner township or if he or she is authorized to perform the marriage pursuant to subsection 3.

3. In any calendar year, a justice of the peace may perform not more than 20 marriage ceremonies in commissioner townships if he or she does not

accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

4. In any calendar year, a municipal judge may perform not more than 20 marriage ceremonies in this State if he or she does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

5. Any justice of the peace who performs a marriage ceremony in a commissioner township or any municipal judge who performs a marriage ceremony in this State and who, in violation of this section, accepts any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage is guilty of a misdemeanor.

Sec. 5. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other church or religious official authorized to solemnize a marriage, notary public to whom a certificate of permission to perform marriages has been issued, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as ~~husband and wife.~~ **spouses.**

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

Sec. 6. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If ~~one male and one female person~~ **two persons, regardless of gender,** who are ~~the husband and wife~~ **spouses** of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the ~~male and female person~~ **persons** were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
 }ss.
County of..... }

This is to certify that the undersigned, (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of County, commissioner of civil marriages or deputy commissioner of civil

marriages, as the case may be), did on the day of the month of of the year, at (address or church), (city), Nevada, join or rejoin, as the case may be, in lawful wedlock (name), of (city), State of, date of birth, and (name), of(city), State of, date of birth, with their mutual consent, in the presence of and (witnesses). (If ~~[a male and female person]~~ **two persons, regardless of gender**, who are the ~~[husband and wife]~~ **spouses** of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the ~~[male and female person]~~ **persons** who are being rejoined in marriage.)

.....
 Signature of person performing the marriage

(Seal of County Clerk)

.....
 Name under signature typewritten or printed in black ink

.....
 County Clerk

.....
 Official title of person performing the marriage

.....
 Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 7. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages or deputy commissioner of civil marriages to join together as ~~[husband and wife]~~ **spouses** persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public,

commissioner of civil marriages or deputy commissioner of civil marriages who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 8. NRS 123.010 is hereby amended to read as follows:

123.010 1. The property rights of ~~husband and wife~~ **a married couple** are governed by this chapter, unless there is:

(a) A premarital agreement which is enforceable pursuant to chapter 123A of NRS; or

(b) A marriage contract or settlement,
 ↪ containing stipulations contrary thereto.

2. Chapter 76, Statutes of Nevada 1865, is repealed, but no rights vested or proceedings taken before March 10, 1873, shall be affected by anything contained in this chapter of NRS.

Sec. 9. NRS 123.020 is hereby amended to read as follows:

123.020 No estate is allowed ~~the husband~~ **one spouse** as tenant by curtesy upon the death of his ~~wife,~~ **or her spouse**, nor is any estate in dower allotted to the ~~wife~~ **other spouse** upon the death of **his or** her ~~husband~~ **spouse**.

Sec. 10. NRS 123.030 is hereby amended to read as follows:

123.030 A ~~husband and wife~~ **married couple** may hold real or personal property as joint tenants, tenants in common, or as community property.

Sec. 11. NRS 123.060 is hereby amended to read as follows:

123.060 Except as mentioned in NRS 123.070, neither ~~husband nor wife~~ **spouse** has any interest in the property of the other ~~[-]~~ **spouse**.

Sec. 12. NRS 123.070 is hereby amended to read as follows:

123.070 Either ~~husband or wife~~ **spouse** may enter into any contract, engagement or transaction with the other ~~[-]~~ **spouse**, or with any other person respecting property, which either might enter into if unmarried, subject in any contract, engagement or transaction between themselves, to the general rules which control the actions of persons occupying relations of confidence and trust toward each other.

Sec. 13. NRS 123.080 is hereby amended to read as follows:

123.080 1. A ~~husband and wife~~ **married couple** cannot by any contract with each other alter their legal relations except as to property, and except that they may agree to an immediate separation and may make provision for the support of either of them and of their children during such separation.

2. The mutual consent of the parties is a sufficient consideration for such an agreement as is mentioned in subsection 1.

3. In the event that a suit for divorce is pending or immediately contemplated by one of the spouses against the other, the validity of such agreement shall not be affected by a provision therein that the agreement is made for the purpose of removing the subject matter thereof from the field of litigation, and that in the event of a divorce being granted to either party, the agreement shall become effective and not otherwise.

4. If a contract executed by a ~~husband and wife,~~ **married couple**, or a copy thereof, be introduced in evidence as an exhibit in any divorce action, and the court shall by decree or judgment ratify or adopt or approve the contract by reference thereto, the decree or judgment shall have the same force and effect and legal consequences as though the contract were copied into the decree, or attached thereto.

Sec. 14. NRS 123.090 is hereby amended to read as follows:

123.090 If ~~the husband~~ **a spouse** neglects to make adequate provision for the support of his ~~wife,~~ **or her spouse**, any other person may in good faith supply ~~her~~ **the neglected spouse** with articles necessary for **his or her** support, and recover the reasonable value thereof from the ~~husband,~~ **neglecting spouse**. The separate property of the ~~husband~~ **neglecting spouse** is liable for the cost of such necessities if the community property of the spouses is not sufficient to satisfy such debt.

Sec. 15. NRS 123.100 is hereby amended to read as follows:

123.100 A ~~husband or wife~~ **spouse** abandoned by his or her spouse is not liable for the support of the abandoning spouse until such spouse offers to return unless the misconduct of the ~~husband or wife~~ **abandoned spouse** justified the abandonment.

Sec. 16. NRS 123.110 is hereby amended to read as follows:

123.110 ~~The wife~~ **A spouse** must support ~~the husband~~ **his or her spouse** out of **his or her** separate property when ~~he~~ **the spouse** has no separate property and they have no community property and ~~he,~~ **the spouse**, from infirmity, is not able or competent to support himself ~~or herself~~.

Sec. 17. NRS 123.121 is hereby amended to read as follows:

123.121 When ~~a husband and wife~~ **spouses** sue jointly, any damages awarded shall be segregated as follows:

1. If the action is for personal injuries, damages assessed for:

(a) Personal injuries and pain and suffering, to the injured spouse as his or her separate property.

(b) Loss of comfort and society, to the spouse who suffers such loss.

(c) Loss of services and hospital and medical expenses, to the spouses as community property.

2. If the action is for injury to property, damages shall be awarded according to the character of the injured property. Damages to separate property shall be awarded to the spouse owning such property, and damages to community property shall be awarded to the spouses as community property.

Sec. 18. NRS 123.130 is hereby amended to read as follows:

123.130 ~~1.~~ All property of ~~the wife~~ **a spouse** owned by **him or her** before marriage, and that was acquired by **him or her** afterwards by gift, bequest, devise, descent or by an award for personal injury damages, with the rents, issues and profits thereof, is **his or her** separate property.

~~2. All property of the husband owned by him before marriage, and that acquired by him afterwards by gift, bequest, devise, descent or by an award~~

~~for personal injury damages, with the rents, issues and profits thereof, is his separate property.]~~

Sec. 19. NRS 123.180 is hereby amended to read as follows:

123.180 1. Any property acquired by a child by gift, bequest, devise or descent, with the rents, issues and profits thereof, is the child's own property, and neither parent is entitled to any interest therein.

2. The earnings and accumulations of earnings of a minor child are the community property of his or her parents unless relinquished to the child. Such relinquishment may be shown by written instrument, proof of a specific oral gift, or proof of a course of conduct.

3. When a ~~[husband and wife are]~~ **married couple is** living separate and apart the earnings and accumulations of earnings of their minor children, unless relinquished, are the separate property of the spouse who has their custody or, if no custody award has been made, then the separate property of the spouse with whom such children are living.

Sec. 20. NRS 123.190 is hereby amended to read as follows:

123.190 ~~[1.]~~ When ~~[the husband]~~ **a spouse** has given written authority to ~~[the wife]~~ **his or her spouse** to appropriate to **his or** her own use ~~[her]~~ **the spouse's** earnings, the same, with the issues and profits thereof, is deemed a gift from ~~[him to her,]~~ **one spouse to the other**, and is, with such issues and profits, ~~[her]~~ **the latter spouse's** separate property.

~~[2. When the wife has given written authority to the husband to appropriate to his own use his earnings, the same, with the issues and profits thereof, is deemed a gift from her to him, and is, with such issues and profits, his separate property.]~~

Sec. 21. NRS 123.220 is hereby amended to read as follows:

123.220 All property, other than that stated in NRS 123.130, acquired after marriage by either ~~[husband or wife,]~~ **spouse** or both ~~[]~~ **spouses**, is community property unless otherwise provided by:

1. An agreement in writing between the spouses.
2. A decree of separate maintenance issued by a court of competent jurisdiction.
3. NRS 123.190.
4. A decree issued or agreement in writing entered pursuant to NRS 123.259.

Sec. 22. NRS 123.225 is hereby amended to read as follows:

123.225 1. The respective interests of ~~[the husband and wife]~~ **each spouse** in community property during continuance of the marriage relation are present, existing and equal interests, subject to the provisions of NRS 123.230.

2. The provisions of this section apply to all community property, whether the community property was acquired before, on or after March 26, 1959.

Sec. 23. NRS 123.250 is hereby amended to read as follows:

123.250 1. Except as otherwise provided in subsection 2, upon the death of either ~~husband or wife~~ **spouse**:

(a) An undivided one-half interest in the community property is the property of the surviving spouse and his or her sole separate property.

(b) The remaining interest:

(1) Is subject to the testamentary disposition of the decedent or, in the absence of such a testamentary disposition, goes to the surviving spouse; and

(2) Is the only portion subject to administration under the provisions of title 12 of NRS.

2. The provisions of this section:

(a) Do not apply to the extent that they are inconsistent with the provisions of chapter 41B of NRS.

(b) Do not apply to community property with right of survivorship.

(c) Apply to all other community property, whether the community property was acquired before, on or after July 1, 1975.

3. As used in this section, “community property with right of survivorship” means community property in which a right of survivorship exists pursuant to NRS 111.064 or 115.060 or any other provision of law.

Sec. 24. NRS 123.259 is hereby amended to read as follows:

123.259 1. Except as otherwise provided in subsection 2, a court of competent jurisdiction may, upon a proper petition filed by a spouse or the guardian of a spouse, enter a decree dividing the income and resources of a ~~husband and wife~~ **married couple** pursuant to this section if one spouse is an institutionalized spouse and the other spouse is a community spouse.

2. The court shall not enter such a decree if the division is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. Unless modified pursuant to subsection 4 or 5, the court may divide the income and resources:

(a) Equally between the spouses; or

(b) By protecting income for the community spouse through application of the maximum federal minimum monthly maintenance needs allowance set forth in 42 U.S.C. § 1396r-5(d)(3)(C) and by permitting a transfer of resources to the community spouse an amount which does not exceed the amount set forth in 42 U.S.C. § 1396r-5(f)(2)(A)(ii).

4. If either spouse establishes that the community spouse needs income greater than that otherwise provided under paragraph (b) of subsection 3, upon finding exceptional circumstances resulting in significant financial duress and setting forth in writing the reasons for that finding, the court may enter an order for support against the institutionalized spouse for the support of the community spouse in an amount adequate to provide such additional income as is necessary.

5. If either spouse establishes that a transfer of resources to the community spouse pursuant to paragraph (b) of subsection 3, in relation to

the amount of income generated by such a transfer, is inadequate to raise the income of the community spouse to the amount allowed under paragraph (b) of subsection 3 or an order for support issued pursuant to subsection 4, the court may substitute an amount of resources adequate to provide income to fund the amount so allowed or to fund the order for support.

6. A copy of a petition for relief under subsection 4 or 5 and any court order issued pursuant to such a petition must be served on the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services when any application for medical assistance is made by or on behalf of an institutionalized spouse. The Administrator may intervene no later than 45 days after receipt by the Division of Welfare and Supportive Services of the Department of Health and Human Services of an application for medical assistance and a copy of the petition and any order entered pursuant to subsection 4 or 5, and may move to modify the order.

7. A person may enter into a written agreement with his or her spouse dividing their community income, assets and obligations into equal shares of separate income, assets and obligations of the spouses. Such an agreement is effective only if one spouse is an institutionalized spouse and the other spouse is a community spouse or a division of the income or resources would allow one spouse to qualify for services under NRS 427A.250 to 427A.280, inclusive.

8. An agreement entered into or decree entered pursuant to this section may not be binding on the Division of Welfare and Supportive Services of the Department of Health and Human Services in making determinations under the State Plan for Medicaid.

9. As used in this section, “community spouse” and “institutionalized spouse” have the meanings respectively ascribed to them in 42 U.S.C. § 1396r-5(h).

Sec. 25. NRS 125.010 is hereby amended to read as follows:

125.010 Divorce from the bonds of matrimony may be obtained for any of the following causes:

1. Insanity existing for 2 years prior to the commencement of the action. Upon this cause of action the court, before granting a divorce, shall require corroborative evidence of the insanity of the defendant at that time, and a decree granted on this ground shall not relieve the successful party from contributing to the support and maintenance of the defendant, and the court may require the plaintiff in such action to give bond therefor in an amount to be fixed by the court.

2. When the ~~husband and wife~~ *spouses* have lived separate and apart for 1 year without cohabitation the court may, in its discretion, grant an absolute decree of divorce at the suit of either party.

3. Incompatibility.

Sec. 26. NRS 125.130 is hereby amended to read as follows:

125.130 1. A judgment or decree of divorce granted pursuant to the provisions of this chapter is a final decree.

2. Whenever a decree of divorce from the bonds of matrimony is granted in this State by a court of competent authority, the decree fully and completely dissolves the marriage contract as to both parties.

3. A court that grants a decree of divorce pursuant to the provisions of this section shall ensure that the social security numbers of both parties are placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

4. In all suits for divorce, if a divorce is granted, the court may, for just and reasonable cause and by an appropriate order embodied in its decree, change the name of ~~the wife~~ **either party** to any former name which **he or** she has legally borne.

Sec. 27. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to ~~the wife or to the husband,~~ **either spouse**, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➔ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property,

and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

↪ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the ~~{husband's}~~ separate property *of either spouse* for the ~~{wife's}~~ *other spouse's* support ~~[the wife's separate property for the husband's support]~~ or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

- (a) The financial condition of each spouse;
- (b) The nature and value of the respective property of each spouse;
- (c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;
- (d) The duration of the marriage;
- (e) The income, earning capacity, age and health of each spouse;
- (f) The standard of living during the marriage;
- (g) The career before the marriage of the spouse who would receive the alimony;
- (h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;
- (i) The contribution of either spouse as homemaker;
- (j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and
- (k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

- (a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and
- (b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 28. NRS 125.181 is hereby amended to read as follows:

125.181 A marriage may be dissolved by the summary procedure for divorce set forth in NRS 125.181 to 125.184, inclusive, when all of the following conditions exist at the time the proceeding is commenced:

1. Either party has met the jurisdictional requirements of NRS 125.020.

2. The ~~husband and wife~~ *spouses* have lived separate and apart for 1 year without cohabitation or they are incompatible.

3. There are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage and ~~the~~ *a* wife, to her knowledge, is not pregnant, or the parties have executed an agreement as to the custody of any children and setting forth the amount and manner of their support.

4. There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, if any, and have executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement.

5. The parties waive any rights to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support.

6. The parties waive their respective rights to written notice of entry of the decree of divorce, to appeal, to request findings of fact and conclusions of law and to move for a new trial.

7. The parties desire that the court enter a decree of divorce.

Sec. 29. NRS 125.182 is hereby amended to read as follows:

125.182 1. A summary proceeding for divorce may be commenced by filing in any district court a joint petition, signed under oath by both ~~the husband and the wife,~~ *spouses*, stating that as of the date of filing, every condition set forth in NRS 125.181 has been met and specifying the:

(a) Facts which support the jurisdictional requirements of NRS 125.020; and

(b) Grounds for the divorce.

2. The petition must also state:

(a) The date and the place of the marriage.

(b) The mailing address of both ~~the husband and the wife,~~ *spouses*.

(c) Whether there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, or ~~the~~ *a* wife, to her knowledge, is pregnant.

(d) Whether ~~the wife~~ *either spouse* elects to have *his or* her ~~maiden or~~ former name restored and, if so, the name to be restored.

3. An affidavit of corroboration of residency which complies with the provisions of subsections 1, 2 and 4 of NRS 125.123 must accompany the petition. If there is a marital settlement agreement which the parties wish the court to approve or make a part of the decree, it must be identified and attached to the petition as an exhibit.

Sec. 30. NRS 125.210 is hereby amended to read as follows:

125.210 1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse;

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;

(c) Provide that the payment of that money be secured upon real estate or other security, or make any other suitable provision; and

(d) Determine the time and manner in which the payments must be made.

2. The court may not:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse; or

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse,

↪ if it is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award money for the support of a spouse or the amount of any award of money for the support of a spouse, the court shall not attach, levy or seize by or under any legal or equitable process, either before or after receipt by a veteran, any federal disability benefits awarded to a veteran for a service-connected disability pursuant to 38 U.S.C. §§ 1101 to 1151, inclusive.

4. Except as otherwise provided in chapter 130 of NRS, the court may change, modify or revoke its orders and decrees from time to time.

5. No order or decree is effective beyond the joint lives of the ~~husband and wife.~~ *spouses.*

Sec. 31. NRS 125.290 is hereby amended to read as follows:

125.290 All marriages which are prohibited by law because of:

1. Consanguinity between the parties; or
2. Either of the parties having a former ~~husband or wife.~~ *spouse* then living, if solemnized within this State,
 ↪ are void without any decree of divorce or annulment or other legal proceedings. A marriage void under this section shall not bar prosecution for the crime of bigamy pursuant to NRS 201.160.

Sec. 32. NRS 125.320 is hereby amended to read as follows:

125.320 1. When the consent of ~~the father, mother,~~ *a parent,* guardian or district court, as required by NRS 122.020 or 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.

2. If the consent required by NRS 122.020 or 122.025 is not first obtained, the marriage contracted without the consent of ~~the father, mother,~~ *a parent,* guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as ~~husband and wife.~~ *a married couple.* Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.

Sec. 33. NRS 125.330 is hereby amended to read as follows:

125.330 1. When either of the parties to a marriage for want of understanding shall be incapable of assenting thereto, the marriage shall be void from the time its nullity shall be declared by a court of competent authority.

2. The marriage of any insane person shall not be adjudged void, after his or her restoration to reason, if it shall appear that the parties freely cohabited together as ~~husband and wife.~~ *a married couple* after such insane person was restored to a sound mind.

Sec. 34. NRS 125.340 is hereby amended to read as follows:

125.340 1. If the consent of either party was obtained by fraud and fraud has been proved, the marriage shall be void from the time its nullity shall be declared by a court of competent authority.

2. No marriage may be annulled for fraud if the parties to the marriage voluntarily cohabit as ~~husband and wife~~ **a married couple** having received knowledge of such fraud.

Sec. 35. NRS 125A.515 is hereby amended to read as follows:

125A.515 1. Unless the court issues a temporary emergency order pursuant to NRS 125A.335, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(a) The child custody determination has not been registered and confirmed pursuant to NRS 125A.465 and that:

(1) The issuing court did not have jurisdiction pursuant to NRS 125A.305 to 125A.395, inclusive;

(2) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so pursuant to NRS 125A.305 to 125A.395, inclusive; or

(3) The respondent was entitled to notice, but notice was not given in accordance with the standards of NRS 125A.255, in the proceedings before the court that issued the order for which enforcement is sought; or

(b) The child custody determination for which enforcement is sought was registered and confirmed pursuant to NRS 125A.465, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so pursuant to NRS 125A.305 to 125A.395, inclusive.

2. The court shall award the fees, costs and expenses authorized pursuant to NRS 125A.535 and may grant additional relief, including a request for the assistance of law enforcement officers, and set a further hearing to determine whether additional relief is appropriate.

3. If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

4. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of ~~husband and wife~~ **a married couple** or parent and child may not be invoked in a proceeding conducted pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 36. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. The following persons must be personally served with the notice:

(a) ~~["The father or mother"]~~ **Either parent** of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of ~~["the father or mother"]~~ **either parent** is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his or her residence and relationship are known to the petitioner; and

(b) The minor's legal custodian or guardian, if residing within this State and if his or her place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Support Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

Sec. 37. NRS 128.070 is hereby amended to read as follows:

128.070 1. When ~~["the father or mother"]~~ **either parent** of a minor child or the child's legal custodian or guardian resides out of the State, has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named ~~["father or mother"]~~ **parent** or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the ~~["father or mother"]~~ **parent** or custodian or guardian resides out of the State, and his or her present address is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the person resided out of this State in a certain place (naming the place and stating the latest date known to the affiant when the person so resided there);

(b) That place is the last place in which the person resided to the knowledge of the affiant;

(c) The person no longer resides at that place;

(d) The affiant does not know the present place of residence of the person or where the person can be found; and

(e) The affiant does not know and has never been informed and has no reason to believe that the person now resides in this State.

↳ In such case, it shall be presumed that the person still resides and remains out of the State, and the affidavit shall be deemed to be a sufficient showing of due diligence to find ~~["the father or mother"]~~ **either parent** or **the** custodian or guardian.

2. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week

during that time. In case of publication, where the residence of a nonresident or absent ~~father or mother~~ **parent** or custodian or guardian is known, the court shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his or her place of residence. When publication is ordered, personal service of a copy of the notice of hearing and petition, out of the State, is equivalent to completed service by publication and deposit in the post office, and the person so served has 20 days after the service to appear and answer or otherwise plead. The service of the notice of hearing shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication, and in cases when a deposit of a copy of the notice of hearing and petition in the post office is also required, at the expiration of 4 weeks from the deposit.

3. Personal service outside the State upon a ~~father or mother~~ **parent** over the age of 18 years or upon the minor's legal custodian or guardian may be made in any action where the person served is a resident of this State. When the facts appear, by affidavit, to the satisfaction of the court, and it appears, either by affidavit or by a verified petition on file, that the person in respect to whom the service is to be made is a necessary or proper party to the proceedings, the court may grant an order that the service be made by personal service outside the State. The service must be made by delivering a copy of the notice of hearing together with a copy of the petition in person to the person served. The methods of service are cumulative, and may be utilized with, after or independently of other methods of service.

4. Whenever personal service cannot be made, the court may require, before ordering service by publication or by publication and mailing, such further and additional search to determine the whereabouts of the person to be served as may be warranted by the facts stated in the affidavit of the petitioner to the end that actual notice be given whenever possible.

5. If one or both of the parents of the minor is unknown, or if the name of either or both of the parents of the minor is uncertain, then those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either ~~the father or the mother~~ **parent** of the person, and to all persons claiming to be the ~~father or mother~~ **parent** of the person. The notice, after the caption, must be addressed substantially as follows: "To the ~~father and mother~~ **parents** of the above-named person, and to all persons claiming to be the ~~father or mother~~ **parent** of that person."

Sec. 38. NRS 128.080 is hereby amended to read as follows:

128.080 The notice must be in substantially the following form:

In the Judicial District Court of the State of Nevada,
in and for the County of

In the matter of parental rights
as to, a minor.

Notice

To, ~~[the father or, the mother]~~ **parent No. 1 or, parent No. 2** of the above-named person; or, to the ~~[father and mother]~~ **parents** of the above-named person, and to all persons claiming to be ~~[the father or mother]~~ **either parent** of this person; or, to, related to the above-named minor as,; and, to, the legal custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the termination of parental rights over the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at, in the County of, on the day of the month of of the year at..... o'clockm., at which time and place you are required to be present if you desire to oppose the petition.

Dated (month) (day) (year)

.....
Clerk of Court

(SEAL)

By
Deputy

Sec. 39. NRS 129.100 is hereby amended to read as follows:

129.100 1. After a petition has been filed, unless the person to be served voluntarily appears and consents to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition, stating the time and date set for the hearing of the petition, and requiring the person served with the notice to appear before the court at the hearing if the person desires to oppose the petition.

2. The notice issued pursuant to subsection 1 must be in substantially the following form:

In the Judicial District Court of the State of Nevada,
in and for the County of

In the matter of the emancipation
of, a minor.

Notice

To, ~~[the father or, the mother]~~ **parent No. 1 or, parent No. 2** of the above-named minor; or, to the ~~[father and mother]~~ **parents** of the above-named minor; or, to, the legal guardian of the above-named minor; or, to, related to the above-named minor as,:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the emancipation of the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at, in the County of, on the day of the month of of the year at o'clock ...m., at which time and place you are required to be present if you desire to oppose the petition.

Dated (month) (day) (year)

.....
Clerk of Court

(SEAL)

By
Deputy

Sec. 40. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-

incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between ~~husband and wife~~ **a married couple** does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of ~~husband and wife~~ **a married couple** or parent and child does not apply in a proceeding under this chapter.

10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

Sec. 41. NRS 12.020 is hereby amended to read as follows:

12.020 A ~~husband and wife~~ **married couple** may sue jointly on all causes of action belonging to either or both of them, except:

1. When the action is for personal injuries, the spouse having sustained personal injuries is a necessary party; and

2. When the action is for compensation for services rendered, the spouse having rendered the services is a necessary party.

Sec. 42. NRS 12.030 is hereby amended to read as follows:

12.030 If ~~husband and wife are~~ **a married couple is** sued together, either or both may defend, and if either neglects to defend, the other may defend for both.

Sec. 43. NRS 12.040 is hereby amended to read as follows:

12.040 When a ~~husband~~ **spouse** has deserted his **or her** family, the ~~wife~~ **other spouse** may prosecute or defend in his **or her** name any action which he **or she** might have prosecuted or defended, and shall have the same powers and rights therein as he **or she** might have. ~~[, and, under like circumstances, the husband shall have the same right.]~~

Sec. 44. NRS 12.080 is hereby amended to read as follows:

12.080 The ~~father and mother~~ **parents** jointly, or ~~the father or the mother,~~ **either parent**, without preference to either, may maintain an action for the injury of a minor child who has not been emancipated, if the injury is caused by the wrongful act or neglect of another. A guardian may maintain an action for the injury of his or her unemancipated ward, if the injury is caused by the wrongful act or neglect of another, the action by the guardian to be prosecuted for the benefit of the ward. Any such action may be maintained against the person causing the injury, or, if the person is employed by another person who is responsible for his or her conduct, also against that other person.

Sec. 45. NRS 41.200 is hereby amended to read as follows:

41.200 1. If an unemancipated minor has a disputed claim for money against a third person, either parent, or if the parents of the minor are living separate and apart, then the custodial parent, or if no custody award has been made, the parent with whom the minor is living, or if a general guardian or guardian of the estate of the minor has been appointed, then that guardian, has the right to compromise the claim. Such a compromise is not effective

until it is approved by the district court of the county where the minor resides, or if the minor is not a resident of the State of Nevada, then by the district court of the county where the claim was incurred, upon a verified petition in writing, regularly filed with the court.

2. The petition must set forth:

(a) The name, age and residence of the minor;

(b) The facts which bring the minor within the purview of this section, including:

(1) The circumstances which make it a disputed claim for money;

(2) The name of the third person against whom the claim is made; and

(3) If the claim is the result of an accident or motor vehicle crash, the date, place and facts of the accident or motor vehicle crash;

(c) The names and residence of the parents or the legal guardian of the minor;

(d) The name and residence of the person or persons having physical custody or control of the minor;

(e) The name and residence of the petitioner and the relationship of the petitioner to the minor;

(f) The total amount of the proceeds of the proposed compromise and the apportionment of those proceeds, including the amount to be used for:

(1) Attorney's fees and whether the attorney's fees are fixed or contingent fees, and if the attorney's fees are contingent fees the percentage of the proceeds to be paid as attorney's fees;

(2) Medical expenses; and

(3) Other expenses,

↪ and whether these fees and expenses are to be deducted before or after the calculation of any contingency fee;

(g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor; and

(h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise.

3. If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing. The records must include documentation of:

(a) The injury, prognosis, treatment and progress of recovery of the minor; and

(b) The amount of medical expenses incurred to date, the nature and amount of medical expenses which have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses which may be incurred in the future.

4. If the court approves the compromise of the claim of the minor, the court must direct the money to be paid to ~~the father, mother~~ **a parent** or guardian of the minor, with or without the filing of any bond, or it must

require a general guardian or guardian ad litem to be appointed and the money to be paid to the guardian or guardian ad litem, with or without a bond, as the court, in its discretion, deems to be in the best interests of the minor.

5. Upon receiving the proceeds of the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid, shall establish a blocked financial investment for the benefit of the minor with the proceeds of the compromise. Money may be obtained from the blocked financial investment only pursuant to subsection 6. Within 30 days after receiving the proceeds of the compromise, the parent or guardian shall file with the court proof that the blocked financial investment has been established. If the balance of the investment is more than \$10,000, the parent, guardian or person in charge of managing the investment shall annually file with the court a verified report detailing the activities of the investment during the previous 12 months. If the balance of the investment is \$10,000 or less, the court may order the parent, guardian or person in charge of managing the investment to file such periodic verified reports as the court deems appropriate. The court may hold a hearing on a verified report only if it deems a hearing necessary to receive an explanation of the activities of the investment.

6. The beneficiary of a block financial investment may obtain control of or money from the investment:

(a) By an order of the court which held the compromise hearing; or

(b) By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.

7. The clerk of the district court shall not charge any fee for filing a petition for leave to compromise or for placing the petition upon the calendar to be heard by the court.

8. As used in this section, the term “blocked financial investment” means a savings account established in a depository institution in this state, a certificate of deposit, a United States savings bond, a fixed or variable annuity contract, or another reliable investment that is approved by the court.

Sec. 46. NRS 41.440 is hereby amended to read as follows:

41.440 Any liability imposed upon a ~~{wife, husband,}~~ *spouse*, son, daughter, ~~{father, mother,}~~ *parent*, brother, sister or other immediate member of a family arising out of his or her driving and operating a motor vehicle with the permission, express or implied, of such owner is hereby imposed upon the owner of the motor vehicle, and such owner shall be jointly and severally liable with his or her ~~{wife, husband,}~~ *spouse*, son, daughter, ~~{father, mother,}~~ *parent*, brother, sister or other immediate member of a family for any damages proximately resulting from such negligence or willful misconduct, and such negligent or willful misconduct shall be imputed to the owner of the motor vehicle for all purposes of civil damages.

Sec. 47. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A ~~husband~~ **married person** cannot be examined as a witness for or against his **or her** ~~wife~~ **spouse** without his **or her** consent. ~~[nor a wife for or against her husband without her consent.]~~

(b) ~~Neither a husband nor a wife~~ **No spouse** can be examined, during the marriage or afterwards, without the consent of the other ~~spouse~~ **spouse**, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive; or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the ~~husband and wife~~ **spouses** were married.

Sec. 48. NRS 49.305 is hereby amended to read as follows:

49.305 When a ~~husband or wife~~ **married person** is insane, and has been so declared by a court of competent jurisdiction, the other **spouse** shall be a competent witness to testify as to any fact which transpired before or during such insanity, but the privilege of so testifying shall cease when the party declared insane has been found by a court of competent jurisdiction to be of sound mind, and the ~~husband and wife~~ **spouses** shall then have the testimonial limitations and privileges provided in NRS 49.295.

Sec. 49. NRS 111.063 is hereby amended to read as follows:

111.063 Tenancy in common in real or personal property may be created by a single conveyance from a ~~husband and wife~~ **married couple** holding title as joint tenants to themselves, or to themselves and others, or to one of them and others, when such conveyance expressly declares that the grantees thereunder are tenants in common.

Sec. 50. NRS 111.064 is hereby amended to read as follows:

111.064 1. Estates as tenants in common or estates in community property may be created by conveyance from ~~husband and wife~~ **a married couple** to themselves or to themselves and others or from a sole owner to himself or herself and others in the same manner as a joint tenancy may be created.

2. A right of survivorship does not arise when an estate in community property is created in a ~~husband and wife~~ **married couple**, as such, unless the instrument creating the estate expressly declares that the ~~husband and wife~~ **married couple** take the property as community property with a right of survivorship. This right of survivorship is extinguished whenever either spouse, during the marriage, transfers the spouse's interest in the community property.

Sec. 51. NRS 111.065 is hereby amended to read as follows:

111.065 1. Joint tenancy in real property may be created by a single will or transfer when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself or herself and others, or from tenants in common to themselves, or to themselves and others, or to one of them and others, or from a ~~husband and wife~~ **married couple** when holding title as community property or otherwise to themselves, or to themselves and others, or to one of them and others, when expressly declared in the transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants.

2. A joint tenancy in personal property may be created by a written transfer, agreement or instrument.

Sec. 52. NRS 111.673 is hereby amended to read as follows:

111.673 The owner of an interest in property who creates a deed upon death may designate in the deed:

1. Multiple beneficiaries who will take title to the property upon his or her death as joint tenants with right of survivorship, tenants in common, ~~husband and wife~~ **a married couple** as community property, community property with right of survivorship or any other tenancy that is recognized in this State.

2. The beneficiary or beneficiaries who will take title to the property upon his or her death as the sole and separate property of the beneficiary or beneficiaries without the necessity of the filing of a quitclaim deed or disclaimer by the spouse of any beneficiary.

Sec. 53. NRS 111.781 is hereby amended to read as follows:

111.781 1. Except as otherwise provided by the express terms of a governing instrument, a court order or a contract relating to the division of the marital estate made between the divorced persons before or after the marriage, divorce or annulment, the divorce or annulment of a marriage:

(a) Revokes any revocable:

(1) Disposition or appointment of property made by a divorced person to his or her former spouse in a governing instrument and any disposition or

appointment created by law or in a governing instrument to a relative of the divorced person's former spouse;

(2) Provision in a governing instrument conferring a general or nongeneral power of appointment on the divorced person's former spouse or on a relative of the divorced person's former spouse; and

(3) Nomination in a governing instrument that nominates a divorced person's former spouse or a relative of the divorced person's former spouse to serve in any fiduciary or representative capacity, including a personal representative capacity, including a personal representative, executor, trustee, conservator, agent or guardian; and

(b) Severs the interest of the former spouses in property held by them at the time of the divorce or annulment as joint tenants with the right of survivorship or as community property with a right of survivorship and transforms the interests of the former spouses into equal tenancies in common.

2. A severance under paragraph (b) of subsection 1 does not affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses unless a writing declaring the severance has been noted, registered, filed or recorded in records appropriate to the kind and location of the property which records are relied upon, in the ordinary course of transactions involving such property, as evidence of ownership.

3. The provisions of a governing instrument are given effect as if the former spouse and relatives of the former spouse disclaimed all provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse and relatives of the former spouse died immediately before the divorce or annulment.

4. Any provisions revoked solely by this section are revived by the divorced person's remarriage to the former spouse or by a nullification of the divorce or annulment.

5. Unless a court in an action commenced pursuant to chapter 125 of NRS specifically orders otherwise, a restraining order entered pursuant to NRS 125.050 does not preclude a party to such an action from making or changing beneficiary designations that specify who will receive the party's assets upon the party's death.

6. A payor or other third party is not liable for having made a payment or transferred an item of property or any other benefit to a beneficiary designated in a governing instrument affected by the provisions of this section or for having taken any other action in good faith reliance on the validity of the governing instrument before the payor or other third party received written or actual notice of any event affecting a beneficiary designation. A payor or other third party is liable for a payment made or other action taken after the payor or other third party received written or actual notice of a claimed forfeiture or revocation under this section.

7. Written notice of the divorce, annulment or remarriage or written notice of a complaint or petition for divorce or annulment must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of the divorce, annulment or remarriage, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or with the court having jurisdiction of probate proceedings relating to decedents' estates located in the county of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under this section, shall order disbursement or transfer in accordance with the determination. Payments, transfers or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

8. A person who purchases property from a former spouse, relative of a former spouse or any other person for value and without notice, or who receives from a former spouse, relative of a former spouse or any other person a payment or other item of property in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, item of property or benefit nor is liable under this section for the amount of the payment or the value of the item of property or benefit. A former spouse, relative of a former spouse or other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return the payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who is entitled to it under this section.

9. If this section or any part of this section is preempted by federal law with respect to a payment, an item of property or any other benefit covered by this section, a former spouse, relative of the former spouse or any other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return that payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who would have been entitled to it were this section or part of this section not preempted.

10. This section applies only to nonprobate transfers which become effective because of the death of a person on or after October 1, 2011, regardless of when the divorce or annulment occurred.

11. As used in this section:

(a) “Disposition or appointment of property” includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

(b) “Divorce or annulment” means any divorce or annulment or any dissolution or declaration of invalidity of a marriage. A decree of separation that does not terminate the status of ~~[husband and wife]~~ **a married couple** is not a divorce for purposes of this section.

(c) “Divorced person” includes a person whose marriage has been annulled.

(d) “Governing instrument” means a governing instrument executed by a divorced person before the divorce or annulment of the person’s marriage to the person’s former spouse.

(e) “Relative of the divorced person’s former spouse” means a person who is related to the divorced person’s former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the divorced person by blood, adoption or affinity.

(f) “Revocable,” with respect to a disposition, appointment, provision or nomination, means one under which the divorced person, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the person’s former spouse or former spouse’s relative, whether or not the divorced person was then empowered to designate himself or herself in place of his or her former spouse or in place of his or her former spouse’s relative and whether or not the divorced person then had the capacity to exercise the power.

Sec. 54. NRS 115.005 is hereby amended to read as follows:

115.005 As used in this chapter, unless the context otherwise requires:

1. “Equity” means the amount that is determined by subtracting from the fair market value of the property the value of any liens excepted from the homestead exemption pursuant to subsection 3 of NRS 115.010 or NRS 115.090.

2. “Homestead” means the property consisting of:

(a) A quantity of land, together with the dwelling house thereon and its appurtenances;

(b) A mobile home whether or not the underlying land is owned by the claimant; or

(c) A unit, whether real or personal property, existing pursuant to chapter 116 or 117 of NRS, with any appurtenant limited common elements and its interest in the common elements of the common-interest community,

↪ to be selected by ~~[the husband and wife,]~~ **both spouses**, or either of them, or a single person claiming the homestead.

Sec. 55. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed \$550,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,
 ↪ by both ~~the husband and wife,~~ *spouses*, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,
 ↪ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive, 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007.

Sec. 56. NRS 115.020 is hereby amended to read as follows:

115.020 1. The selection must be made by either ~~the husband or wife,~~ *spouse*, or both of them, or the single person, declaring an intention in

writing to claim the property as a homestead. The selection may be made on the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 115.025.

2. The declaration must state:

(a) When made by a married person or persons, that they or either of them are married, or if not married, that he or she is a householder.

(b) When made by a married person or persons, that they or either of them, as the case may be, are, at the time of making the declaration, residing with their family, or with the person or persons under their care and maintenance, on the premises, particularly describing the premises.

(c) When made by any claimant under this section, that it is their or his or her intention to use and claim the property as a homestead.

3. The declaration must be signed by the person or persons making it and acknowledged and recorded as conveyances affecting real property are required to be acknowledged and recorded. If the property declared upon as a homestead is the separate property of either spouse, both must join in the execution and acknowledgment of the declaration.

4. If a person solicits another person to allow the soliciting person to file a declaration of homestead on behalf of the other person and charges or accepts a fee or other valuable consideration for recording the declaration of homestead for the other person, the soliciting person shall, before the declaration is recorded or before the fee or other valuable consideration is charged to or accepted from the other person, provide that person with a notice written in bold type which states that:

(a) Except for the fee which may be charged by the county recorder for recording a declaration of homestead, a declaration of homestead may be recorded in the county in which the property is located without the payment of a fee; and

(b) The person may record the declaration of homestead on his or her own behalf.

↪ The notice must clearly indicate the amount of the fee which may be charged by the county recorder for recording a declaration of homestead.

5. The rights acquired by declaring a homestead are not extinguished by the conveyance of the underlying property in trust for the benefit of the person or persons who declared it. A trustee may by similar declaration claim property, held by the trustee, as a homestead for the settlor or for one or more beneficiaries of the trust, or both, if the person or persons for whom the claim is made reside on or in the property.

6. A person who violates the provisions of subsection 4 is guilty of a misdemeanor.

Sec. 57. NRS 115.040 is hereby amended to read as follows:

115.040 1. A mortgage or alienation of any kind, made for the purpose of securing a loan or indebtedness upon the homestead property, is not valid for any purpose, unless the signature of ~~the husband and wife,~~ **both**

spouses, when that relationship exists, is obtained to the mortgage or alienation and their signatures are properly acknowledged.

2. The homestead property shall not be deemed to be abandoned without a declaration thereof in writing, signed and acknowledged by both ~~[husband and wife,]~~ *spouses*, or the single person claiming the homestead, and recorded in the same office and in the same manner as the declaration of claim to the homestead is required to be recorded.

3. If either spouse is not a resident of this State, the signature of the spouse and the acknowledgment thereof is not necessary to the validity of any mortgage or alienation of the homestead before it becomes the homestead of the debtor.

Sec. 58. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of \$550,000, the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property and, if the amount of equity exceeds the sum of \$550,000, determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, the judge shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, the judge shall order the entire property to be sold, and out of the proceeds the sum of \$550,000 to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under \$550,000 may be received by the officer making the sale.

3. When the execution is against a ~~[husband or wife,]~~ *spouse*, the judge may direct the \$550,000 to be deposited in court, to be paid out only upon the joint receipt of ~~[the husband and wife,]~~ *both spouses*, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

Sec. 59. NRS 115.060 is hereby amended to read as follows:

115.060 Except as otherwise provided in a premarital agreement between ~~[the husband and wife]~~ *a married couple* which is enforceable pursuant to chapter 123A of NRS:

1. If the property declared upon as a homestead is community property, the ~~[husband and wife]~~ *married couple* shall be deemed to hold the homestead as community property with a right of survivorship. Upon the death of either spouse:

(a) The exemption of the homestead from execution continues, without further filing, as to any debt or liability existing against the spouses, or either of them, until the death of the survivor and thereafter as to any debt or liability existing against the survivor at the time of the survivor's death.

(b) The property vests absolutely in the survivor.

2. If the property declared upon as a homestead is the separate property of either spouse, the ~~husband and wife~~ **married couple** shall be deemed to hold the right to exemption of the homestead from execution jointly while both spouses are living. If the property retains its character as separate property until the death of one or the other of the spouses:

(a) If it is the separate property of the survivor, the exemption of the homestead continues.

(b) If it was the separate property of the decedent, the exemption of the homestead from execution continues as to any debt or liability existing against the spouses, or either of them, at the time of death of the decedent but ceases as to any subsequent debt or liability of the survivor.

(c) The property belongs to the person, or his or her heirs, to whom it belonged when filed upon as a homestead.

3. If the property declared upon as a homestead is the property of a single person, upon the death of the single person:

(a) The exemption of the homestead from execution continues, without further filing, as to any debt or liability existing against the person at the time of his or her death and as to any subsequent debt or liability against a person who was living in his or her house at the time of his or her death, if that person continues to reside on the homestead property and is related to him or her by consanguinity or affinity, even if the person through whom the relation by affinity was created predeceased the declarant.

(b) The right of enjoyment of the property belongs to each person described in paragraph (a) until that person no longer qualifies under that paragraph.

4. If two or more persons who are not related by consanguinity or affinity have claimed as a homestead their respective undivided interests in a single parcel of land or a mobile home, upon the death of one the exemption of the entire property from execution continues as to any debt or liability of the decedent and the other declarants until the death of the last declarant to die, but only for the benefit of a declarant who continues to reside on or in the property.

Sec. 60. NRS 134.050 is hereby amended to read as follows:

134.050 1. If the decedent leaves no issue, the estate goes one-half to the surviving spouse, one-fourth to ~~the father~~ **one parent** of the decedent and one-fourth to the ~~mother~~ **other parent** of the decedent, if both are living. If both parents are not living, one-half to ~~either~~ the ~~father or the mother~~ **parent** then living.

2. If the decedent leaves no issue ~~[,]~~ or ~~father or mother,~~ **parent**, one-half of the separate property of the decedent goes to the surviving spouse and

the other one-half goes in equal shares to the brothers and sisters of the decedent.

3. If the decedent leaves no issue or surviving spouse, the estate goes one-half to ~~the father~~ **one parent** of the decedent and one-half to the ~~mother~~ **other parent** of the decedent, if both are living. If both parents are not living, the whole estate goes to ~~either~~ the ~~father or the mother~~ **parent** then living.

4. If the decedent leaves no issue, ~~father, mother,~~ **parent**, brother or sister, or children of any issue, all of the separate property of the decedent goes to the surviving spouse.

Sec. 61. NRS 134.060 is hereby amended to read as follows:

134.060 If there is no issue, surviving spouse ~~[,] or father or mother,~~ **parent**, then the estate goes in equal shares to the brothers and sisters of the decedent and to the lawful issue of any deceased brother or sister by right of representation as follows:

1. To the brothers and sisters, each a share; and
2. To the lawful issue of each deceased brother and sister, by right of representation, the same share that the parent would have received if the parent had been living at the time of the death of the decedent.

Sec. 62. NRS 134.070 is hereby amended to read as follows:

134.070 If the decedent leaves no issue, surviving spouse, ~~for father or mother,~~ **parent**, ~~and no~~ brother or sister living at the time of death, the estate goes to the next of kin in equal degree, except that if there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestors are preferred to those who claim through ancestors more remote.

Sec. 63. NRS 139.040 is hereby amended to read as follows:

139.040 1. Administration of the intestate estate of a decedent must be granted to one or more of the persons mentioned in this section, and they are respectively entitled to priority for appointment in the following order:

- (a) The surviving spouse.
 - (b) The children.
 - (c) ~~The father or the mother,~~ **A parent.**
 - (d) The brother or the sister.
 - (e) The grandchildren.
 - (f) Any other of the kindred entitled to share in the distribution of the estate.
 - (g) The public administrator.
 - (h) Creditors who have become such during the lifetime of the decedent.
 - (i) Any of the kindred not above enumerated, within the fourth degree of consanguinity.
 - (j) Any person or persons legally qualified.
2. A person in each of the foregoing classes is entitled:
- (a) To appointment, if the person is:
 - (1) A resident of the State of Nevada or the person:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment; or

(2) A banking corporation which is authorized to do business in this State or which:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment.

(b) To nominate a resident of the State of Nevada or a qualified banking corporation for appointment, whether or not the nominator is a resident of the State of Nevada or a qualified banking corporation. The nominee has the same priority as the nominator. That priority is independent of the residence or corporate qualification of the nominator.

3. If any heir who is otherwise entitled to appointment is a minor or an incompetent person for whom a guardian has been appointed, the court may appoint the guardian of the minor or incompetent person as administrator.

Sec. 64. NRS 139.140 is hereby amended to read as follows:

139.140 When letters of administration have been granted to any person other than the surviving spouse or the spouse's nominee, or the child, ~~[father, mother,]~~ **parent**, brother or sister of the decedent, any one of them, if otherwise qualified, may obtain the revocation of the letters by presenting to the court a petition requesting the revocation, and that letters of administration be issued to the petitioner.

Sec. 65. NRS 159.057 is hereby amended to read as follows:

159.057 1. Where the appointment of a guardian is sought for two or more proposed wards who are children of a common parent, parent and child or ~~[husband and wife,]~~ **married couple**, it is not necessary that separate petitions, bonds and other papers be filed with respect to each proposed ward or wards.

2. If a guardian is appointed for such wards, the guardian:

- (a) Shall keep separate accounts of the estate of each ward;
- (b) May make investments for each ward;
- (c) May compromise and settle claims against one or more wards; and
- (d) May sell, lease, mortgage or otherwise manage the property of one or more wards.

3. The guardianship may be terminated with respect to less than all the wards in the same manner as provided by law with respect to a guardianship of a single ward.

Sec. 66. NRS 166A.220 is hereby amended to read as follows:

166A.220 1. Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided

interests for each beneficiary. Except in a transfer or declaration for use and benefit of ~~husband and wife,~~ **a married couple**, for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to community or marital property.

2. Custodial trust property held under this chapter by the same custodial trustee for the use and benefit of the same beneficiary may be administered as a single custodial trust.

3. A custodial trustee of custodial trust property held for more than one beneficiary shall separately account to each beneficiary pursuant to NRS 166A.230 and 166A.310 for the administration of the custodial trust.

Sec. 67. NRS 199.360 is hereby amended to read as follows:

199.360 A person who fraudulently or falsely pretends that any infant child was born of a parent whose child is or would be entitled to inherit real property or to receive any personal property, or who falsely represents himself or herself or another to be a person entitled to an interest or share in the estate of a deceased person as executor, administrator, ~~husband, wife,~~ **spouse**, heir, heiress, legatee, devisee, next of kin or relative of the deceased person, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 68. NRS 200.160 is hereby amended to read as follows:

200.160 Homicide is also justifiable when committed:

1. In the lawful defense of the slayer, or his or her ~~husband, wife,~~ **spouse**, parent, child, brother or sister, or of any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or

2. In the actual resistance of an attempt to commit a felony upon the slayer, in his or her presence, or upon or in a dwelling, or other place of abode in which the slayer is.

Sec. 69. NRS 201.070 is hereby amended to read as follows:

201.070 1. No other or greater evidence is required to prove the marriage of the ~~husband and wife,~~ **spouses**, or that the defendant is the ~~father or mother,~~ **parent** of the child or children, than is required to prove such facts in a civil action.

2. In no prosecution under NRS 201.015 to 201.080, inclusive, does any existing statute or rule of law prohibiting the disclosure of confidential communications between ~~husband and wife,~~ **spouses** apply, and both ~~husband and wife,~~ **spouses** are competent witnesses to testify against each other to any and all relevant matters, including the fact of the marriage and the parentage of any child or children, but neither may be compelled to give evidence incriminating himself or herself.

3. Proof of the failure of the defendant to provide for the support of the spouse, child or children, is prima facie evidence that such failure was knowing.

Sec. 70. NRS 201.160 is hereby amended to read as follows:

201.160 1. Bigamy consists in the having of two ~~[wives or two husbands]~~ *spouses* at one time, knowing that the former ~~[husband or wife]~~ *spouse* is still alive.

2. If a married person marries any other person while the former ~~[husband or wife]~~ *spouse* is alive, the person so offending is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. It is not necessary to prove either of the marriages by the register and certificate thereof, or other record evidence, but those marriages may be proved by such evidence as is admissible to prove a marriage in other cases, and when the second marriage has taken place without this State, cohabitation in this State after the second marriage constitutes the commission of the crime of bigamy.

4. This section does not extend:

(a) To a person whose ~~[husband or wife]~~ *spouse* has been continually absent from that person for the space of 5 years before the second marriage, if he or she did not know the ~~[husband or wife]~~ *spouse* to be living within that time.

(b) To a person who is, at the time of the second marriage, divorced by lawful authority from the bonds of the former marriage, or to a person where the former marriage has been by lawful authority declared void.

Sec. 71. NRS 201.170 is hereby amended to read as follows:

201.170 If a person, being unmarried, knowingly marries the ~~[husband or wife]~~ *spouse* of another, that person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 72. NRS 268.594 is hereby amended to read as follows:

268.594 1. Whenever it is necessary for the purposes of NRS 268.570 to 268.608, inclusive, to determine the number or identity of the record owners of real property in a territory proposed to be annexed, a list of such owners, certified by the county assessor on any date between the institution of the proceedings, as provided in NRS 268.584, and the public hearing, as provided in NRS 268.590, both dates inclusive, shall be prima facie evidence that only those persons named thereon are such owners.

2. A petition or protest is sufficient for the purposes of NRS 268.570 to 268.608, inclusive, as to any lot or parcel of real property which is owned:

(a) As community property, if it is signed by ~~[the husband.]~~ *one spouse*.

(b) By two persons, either natural or artificial, other than as community property, if signed by both such owners.

(c) By more than two persons, either natural or artificial, if signed by a majority of such owners.

(d) Either wholly or in part, by an artificial person, if it is signed by an authorized agent and accompanied by a copy of such authorization.

Sec. 73. NRS 325.050 is hereby amended to read as follows:

325.050 1. Within 6 months after the first publication of the notice provided for in NRS 325.040, each person, company, corporation or association claiming to be an occupant or occupants, or to have, possess or be entitled to the right of occupancy or possession of such lands, or any block, lot, share or parcel thereof, shall, in person or by the duly authorized attorney of the person, company, corporation or association, sign a written statement containing a correct description of the particular parcel or parts in which the person, company, corporation or association claims to be entitled to receive, and deliver the same to, or into the office of, the corporate authorities or the judge of the district court.

2. All applications for conveyances under this chapter for the benefit of minors and insane persons shall be made by the guardian or trustee of such minor or insane person. All applications for such conveyances for the benefit of married ~~[women]~~ **persons** may be made by their ~~[husbands,]~~ **spouses**, if in this state, but in case of the absence of the ~~[husband]~~ **spouse** from this state or his **or her** refusal to make such application, then a married ~~[woman]~~ **person** may apply in **his or** her own name.

3. Except as provided in subsection 4 and in NRS 325.130, all persons, companies, corporations or associations or their heirs, successors or assigns failing to sign and deliver such statement within the time specified in subsection 1 shall be forever debarred the right of claiming or recovering such lands or any interest or entail therein, or in any part, parcel or share thereof, in any court of law or equity.

4. The bar to the right of claiming or recovering such lands or any interest or entail therein as provided in subsection 3 shall not apply to minors or insane persons.

Sec. 74. NRS 417.090 is hereby amended to read as follows:

417.090 The Director and the Deputy Director shall:

1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their ~~[wives,]~~ **spouses**, widows, widowers, ~~[husbands,]~~ children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.

2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.

3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans,

servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

4. Coordinate activities of veterans' organizations.

5. Serve as a clearinghouse and disseminate information relating to veterans' benefits.

6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the Director.

9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The Director or Deputy Director may transfer such property to a veterans' or military museum.

Sec. 75. NRS 425.3832 is hereby amended to read as follows:

425.3832 1. Except as otherwise provided in this chapter, a hearing conducted pursuant to NRS 425.382 to 425.3852, inclusive, must be conducted in accordance with the provisions of this section by a qualified master appointed pursuant to NRS 425.381.

2. Subpoenas may be issued by:

(a) The master.

(b) The attorney of record for the office.

↪ Obedience to the subpoena may be compelled in the same manner as provided in chapter 22 of NRS. A witness appearing pursuant to a subpoena, other than a party or an officer or employee of the Chief, is entitled to receive the fees and payment for mileage prescribed for a witness in a civil action.

3. Except as otherwise provided in this section, the master need not observe strict rules of evidence but shall apply those rules of evidence prescribed in NRS 233B.123.

4. The affidavit of any party who resides outside of the judicial district is admissible as evidence regarding the duty of support, any arrearages and the establishment of paternity. The master may continue the hearing to allow procedures for discovery regarding any matter set forth in the affidavit.

5. The physical presence of a person seeking the establishment, enforcement, modification or adjustment of an order for the support of a dependent child or the establishment of paternity is not required.

6. A verified petition, an affidavit, a document substantially complying with federally mandated forms and a document incorporated by reference in any of them, not excluded under NRS 51.065 if given in person, is admissible in evidence if given under oath by a party or witness residing outside of the judicial district.

7. A copy of the record of payments for the support of a dependent child, certified as a true copy of the original by the custodian of the record, may be forwarded to the master. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

8. Copies of bills for testing for paternity, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before the hearing, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

9. Documentary evidence transmitted from outside of the judicial district by telephone, telecopier or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

10. The master may:

(a) Conduct a hearing by telephone, audiovisual means or other electronic means outside of the judicial district in which the master is appointed.

(b) Permit a party or witness residing outside of the judicial district to be deposed or to testify by telephone, audiovisual means or other electronic means before a designated court or at another location outside of the judicial district.

↪ The master shall cooperate with courts outside of the judicial district in designating an appropriate location for the hearing, deposition or testimony.

11. If a party called to testify at a hearing refuses to answer a question on the ground that the testimony may be self-incriminating, the master may draw an adverse inference from the refusal.

12. A privilege against the disclosure of communications between ~~husband and wife~~ **a married couple** does not apply.

13. The defense of immunity based on the relationship of ~~husband and wife~~ **a married couple** or parent and child does not apply.

Sec. 76. NRS 433A.610 is hereby amended to read as follows:

433A.610 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with mental illness who is a minor or the ~~husband or wife~~ **spouse** of a person with mental illness, if of sufficient ability, and the estate of the person with mental illness, if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with mental illness, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the

State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 77. NRS 435.655 is hereby amended to read as follows:

435.655 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with an intellectual disability or person with a related condition who is a minor or the ~~husband or wife~~ *spouse* of a person with an intellectual disability or person with a related condition, if of sufficient ability, and the estate of the person with an intellectual disability or person with a related condition, if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual disability or person with a related condition, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 78. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her ~~husband~~ *spouse* must be entered on the certificate as the ~~father~~ *other parent* of the child unless:

(1) A court has issued an order establishing that a person other than the mother's ~~husband~~ *spouse* is the ~~father~~ *other parent* of the child; or

(2) The mother and a person other than the mother's ~~husband~~ *spouse* have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

(b) Widowed at the time of birth but married at the time of conception, the name of her ~~husband~~ *spouse* at the time of conception must be entered on the certificate as the ~~father~~ *other parent* of the child unless:

(1) A court has issued an order establishing that a person other than the mother's ~~husband~~ *spouse* at the time of conception is the ~~father~~ *other parent* of the child; or

(2) The mother and a person other than the mother's ~~husband~~ *spouse* at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

6. If the mother was unmarried at the time of birth, the name of the ~~father~~ *other parent* may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the ~~father~~ *other parent* of the child; or

(c) The ~~mother and father~~ *parents* of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283. If both ~~the father and mother~~ *parents* execute a declaration consenting to the use of the surname of ~~the father~~ *one parent* as the surname of the child, the name of ~~the father~~ *that parent* must be entered on the original certificate of birth and the surname of ~~the father~~ *that parent* must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of ~~the father or mother~~ *either parent* or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 79. NRS 445B.805 is hereby amended to read as follows:

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) ~~[(Husband and wife)] Spouses;~~ or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. A consignee who is conducting a consignment auction which meets the requirements set forth in NRS 445B.807 if the consignee:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of NRS 445B.807, at the primary place of business of the consignee conducting the consignment auction.

Sec. 80. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital or obstetric center shall provide to the child's ~~[(mother and father)]~~ **parents:**

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of paternity developed pursuant to NRS 440.283;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or obstetric center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 81. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.

(c) Where the ~~husband, wife~~ *spouse* or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.598, inclusive.

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 82. NRS 451.023 is hereby amended to read as follows:

451.023 The ~~husband or wife~~ *spouse* of a minor child or the parent of an unmarried or otherwise unemancipated minor child shall be primarily responsible for the decent burial or cremation of his or her spouse or such child within a reasonable time after death.

Sec. 83. NRS 451.025 is hereby amended to read as follows:

451.025 If the governing body of any county, city or town within the State of Nevada must arrange for and order the decent burial of any person dying within such county, city or town, leaving a ~~husband or wife~~ *spouse* or parent in whose custody such person remained at the time he or she died, which ~~husband or wife~~ *spouse* or parent is not indigent and not otherwise eligible for assistance as a poor person and expenses for a decent burial have been paid out of public funds pursuant to such an order, the county, city or town must be reimbursed for its expenses of burial of the dead body of such person by the ~~husband, wife~~ *spouse* or parent charged by law with the duty of burial.

Sec. 84. NRS 486.101 is hereby amended to read as follows:

486.101 1. The application of any person under the age of 18 years for a motorcycle driver's license must be signed and verified, before a person authorized to administer oaths, by either or both ~~[the father or mother]~~ **parents** of the applicant, if either or both are living and have custody of the applicant, or if neither parent is living, then by the guardian having custody, or by an employer of the minor, or if there is no guardian or employer, then by any responsible person who is willing to assume the obligation imposed pursuant to NRS 486.011 to 486.381, inclusive, upon a person signing the application of a minor.

2. Any negligence or willful misconduct of a minor under the age of 18 years when driving a motorcycle upon a highway is imputed to the person who signed the application of the minor for a license. That person is jointly and severally liable with the minor for any damages caused by negligence or willful misconduct.

Sec. 85. NRS 598B.110 is hereby amended to read as follows:

598B.110 1. A creditor shall consider the combined income of both ~~[husband and wife]~~ **spouses** for the purpose of extending credit to a married couple and shall not exclude the income of either without just cause. The creditor shall determine the creditworthiness of the **married** couple upon a reasonable evaluation of the past, present and foreseeable economic circumstances of both spouses.

2. A request for the signatures of both parties to a marriage for the purpose of creating a valid lien or passing clear title, waiving inchoate rights to property or assigning earnings, does not constitute credit discrimination.

3. An inquiry of marital status does not constitute discrimination for the purposes of this chapter if such inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit, and not to discriminate in a determination of creditworthiness.

4. Consideration or application of state property laws directly or indirectly affecting creditworthiness does not constitute discrimination for the purposes of this chapter.

Sec. 86. NRS 612.105 is hereby amended to read as follows:

612.105 "Employment" does not include service performed by an individual in the employ of the individual's son, daughter or spouse, and service performed by a child under the age of 18 years in the employ of the child's ~~[father or mother.]~~ **parent.**

Sec. 87. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed \$10,000, plus the cost of transporting the remains of the

deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, $66 \frac{2}{3}$ percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his or her proportionate share of $66 \frac{2}{3}$ percent of the average monthly wage for the support of the child.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, $33 \frac{1}{3}$ percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, $66 \frac{2}{3}$ percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of $66 \frac{2}{3}$ percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed $66 \frac{2}{3}$ percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed \$10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of \$3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, "incompetent" has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself;
or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, “surviving spouse” means a surviving ~~husband or wife~~ *person* who was married to the employee at the time of the employee’s death.

Sec. 88. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan’s trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or ~~husband and wife,~~ *married couple*, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person;

(b) Secured by a dwelling that served as the person’s residence; or

(c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 89. NRS 645E.150 is hereby amended to read as follows:

645E.150 Except as otherwise provided in NRS 645E.160, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto or other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or ~~husband and wife,~~ **married couple**, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or

her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

- (a) With or on behalf of an immediate family member of the person; or
- (b) Secured by a dwelling that served as the person's residence.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

- (a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;
- (b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;
- (c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;
- (d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling; and
- (e) Which does not profit from the sale of a dwelling to a borrower.

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 90. NRS 687B.080 is hereby amended to read as follows:

687B.080 1. Except as otherwise provided in subsection 2, no life or health insurance contract upon a person, except a contract of group life insurance or of group or blanket health insurance, may be made or effectuated unless at the time of the making of the contract the person insured, being of competent legal capacity to contract, applies therefor or has consented thereto in writing.

2. The following persons may enter into a contract for life or health insurance upon another person without the insured's written consent:

- (a) A spouse may effectuate such insurance upon the other spouse.
- (b) Any person having an insurable interest in the life of a minor, or any person upon whom a minor is dependent for support and maintenance, may effectuate insurance upon the life of or pertaining to the minor.

(c) Family policies may be issued insuring any two or more members of a family on an application signed by either parent, a stepparent, a guardian, or by a ~~husband or wife.~~ **spouse.**

3. An insurer who receives:

- (a) An application in accordance with subsection 2 for a contract for insurance upon the life of another; or
 - (b) A request to increase the existing coverage upon the life of an insured by a person other than the insured,
- ↪ shall, unless the application or request relates to a contract of group life insurance or of group or blanket health insurance, cause notice of the

application or request to be mailed to the insured at the home or business of the insured within 48 hours after receiving the application or request.

Sec. 91. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 99.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Jimenez and Jennifer Petrie.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Cook, Tamara Luz, and Nicky Watts.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Jetzain Gutierrez, Maria Guadalupe Cano, and David Ramirez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Wolthers, Paul Kleemann, and Anna Cool-Macrae.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Herbert, Anthony Ruiseco, and Tiffany Ann Leonard.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Bryant.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Lecelia Shipp-Oakes and Tasha Thompson.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Pauline Mills.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Chales Holland and Thomas Mullins.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Steph Grimes, Gregory Winiewicz, and Kevin Sigl.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Crowley and Danny Price.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Camille Parker and Grace Angel.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Chantae Ready and Stephanie Swain.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Theo Small, Daniel Barber, and Carmella Gadsen.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Mateo Sciscento, Spence Rhodes, and Anthony Flanagan.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Hollowood.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Elysa Arroyo and Carrie Phillips.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Palmer, Mary Dungan, and Susan Slykerman.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Averill Kelley and Mario Wolthers, Jr.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Darla Rose, Lisa Cady, Erica Minaberry, and Elizabeth Castillo.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Nighswonger and Lisa Snow.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Conradrey, Michael Jahn, Scott Glimp, and Meggan Glimp.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Casandra Workman.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Bratsouleas-Urias.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Gonzalez, Sarah Sunnasy, and Carmen Andrews.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Siota.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Soel Thompson, Danielle Tarmu, and Kermit Waters.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Schaeffer.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Strehl.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Belknap, Jana Pleggenkuhle, and Angela Bosco.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Wilking.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Hester Shoats, Juanita Ortiz-Robinson, and Natalie Manka.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Paige Myers, Gregory Neisess, and Louis Markouzis.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Salazar, Kelli Walters, and Mariana Lopez.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to James Frazee and Billy Miller.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Bryant and Cortez NaPue.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Wendi Lytle.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to James Zygadlo and Eileen Eady.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 11, 2017, at 4 p.m.

Motion carried.

Assembly adjourned at 12:50 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly