

**THE SEVENTY-NINTH DAY**

---

CARSON CITY (Tuesday), April 25, 2017

Assembly called to order at 2:04 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Chase Ward.

Lord, Your Word says, "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God."

This morning we come and ask for clarity that You would lead these men and women as they seek to do what is best for this state. May You give them insight and wisdom beyond their experience, bring them into agreement and peace. It's in Jesus' name I 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.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 2017

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 19; Senate Bills Nos. 408, 410.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 131, 169, 182, 204, 209, 250, 252, 274, 305, 338, 339, 411, 413, 416, 464, 477, 492.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 9.

Assemblyman Yeager moved the adoption of the resolution.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Concurrent Resolution No. 9 directs the Legislative Commission to appoint an interim committee to study certain violations of traffic laws. The committee shall also consider existing laws relating to licensing of drivers and registering and insuring motor vehicles. The committee would consider the following: existing laws that treat such violations as criminal offenses; the elements of a system that treats these violations as civil infractions; and the anticipated fiscal impact on the state and its political subdivisions. The committee would provide a report to the 2019 Session of the Legislature.

Resolution adopted as amended and ordered transmitted to the Senate.

NOTICE OF EXEMPTION

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 49.

CINDY JONES  
*Fiscal Analysis Division*

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 212.

MARK KRMPOTIC  
*Fiscal Analysis Division*

Assemblywoman Carlton moved that Assembly Bill No. 7 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 131.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 169.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 182.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 204.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 209.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 250.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 252.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 274.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 305.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 338.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 339.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 408.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 410.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 411.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 413.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 416.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 464.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 477.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 492.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 52, 175, 181, and 276 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 34, 120, 211, and 226 be taken from their positions on the General File and placed at the bottom of the General File after Assembly Bill No. 298.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 328, 346, and 372 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 114 and 119 be taken from the Chief Clerk's desk and placed at the bottom of the General File after Assembly Bill No. 226.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 328.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 620.

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain

regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; ~~providing certain immunity for independent contractors who act as legal counsel for certain regulatory bodies;~~ revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) **Section 2** of this bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. **Section 2** further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance that names the State as an additional insured in the insurance policy. ~~Section 30 of this bill extends the sovereign immunity of the State to an attorney who contracts with a regulatory body to act as legal counsel.~~ **Section 4** of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. **Section 3** of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies.

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform disciplinary process. (NRS 622A.120) **Section 8** of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government. **Section 6** of this bill prohibits a deputy attorney general from acting as legal counsel for a regulatory body in a contested case if he or she prosecuted the contested case before the regulatory body. **Section 7** of this bill prohibits an attorney who is employed or retained as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body. ~~Section 10 of this bill provides immunity from civil liability for persons who contract with regulatory bodies as independent contractors to act as legal counsel for a regulatory body and who participate in the disciplinary process of a regulatory body.~~

Existing law, with certain exceptions, requires certain regulatory bodies of this State which: (1) receive less than \$75,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive \$75,000 or more in revenue during any fiscal year to hire a public accountant or accounting

firm to conduct an audit of the regulatory body's fiscal records for that fiscal year. Upon completion of the balance sheet or audit, existing law requires the regulatory body to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. (NRS 218G.400) **Section 30.5** of this bill increases from \$75,000 to \$200,000 the amount of revenue received in any fiscal year for the purpose of determining whether a regulatory body is required to prepare a balance sheet or hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division.

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

**Section 1.** Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. *Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.***

**2. *If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.***

**3. *If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:***

**(a) *May contract with more than one regulatory body to act as legal counsel as an independent contractor.***

**(b) *Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which:***

**(1) *Insures the attorney against any liability arising from acting as legal counsel for the regulatory body; and***

**(2) *Names this State as an additional insured in the insurance policy.***

**Sec. 3. *The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which establish the minimum level of professional liability insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection 3 of section 2 of this act.***

**Sec. 4.** NRS 622.220 is hereby amended to read as follows:

622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;

2. ***Must be a resident of this State;***

**3. Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and**

~~{2-}~~ **4. Must not be the immediate relative of:**

- (a) A member or employee of the regulatory body; or
- (b) A licensee of the regulatory body.

**Sec. 5.** Chapter 622A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

**Sec. 6. *If a deputy attorney general prosecutes a contested case for a regulatory body, he or she may not also act as legal counsel for the regulatory body when the regulatory body considers or makes decisions concerning the contested case.***

**Sec. 7. *If a regulatory body employs or retains an attorney to serve as legal counsel for and advise the regulatory body on any and all matters, and the attorney prosecutes a contested case for the regulatory body, the attorney may not also act as legal counsel for the regulatory body when the regulatory body considers or makes a decision regarding the contested case.***

**Sec. 8.** NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

- (a) ~~{State Contractors' Board.~~
- ~~(b) State Board of Professional Engineers and Land Surveyors.~~
- ~~(c) Nevada State Board of Accountancy.~~
- ~~(d) Board of Medical Examiners.~~
- ~~(e) Board of Dental Examiners of Nevada.~~
- ~~(f) State Board of Nursing.~~
- ~~(g) Chiropractic Physicians' Board of Nevada.~~
- ~~(h) Nevada State Board of Optometry.~~
- ~~(i) State Board of Pharmacy.~~
- ~~(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.~~
- ~~(k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.~~
- ~~{(l)}~~ **(b) Commission of Appraisers of Real Estate.**
- ~~{(m)}~~ **(c) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.**
- ~~{(n)}~~ **(d) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.**
- ~~{(o) Private Investigator's Licensing Board.~~
- ~~{(p)}~~ **(e) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.**

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

**Sec. 9.** NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

3. *The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:*

(a) *Impose stricter requirements on the regulatory body relating to such prosecution; or*

(b) *Provide greater due process protections for licensees, ↪ so long as such procedures do not hinder the duty of the regulatory body to protect the public.*

**Sec. 10.** ~~NRS 622A.150 is hereby amended to read as follows:~~

~~622A.150 1. A person who provides a governmental entity, officer or employee with any information relating to a contested case is immune from any civil liability for providing that information if the person acted in good faith and without malicious intent.~~

~~2. A governmental entity, officer, [or] employee **or independent contractor who contracts to act as legal counsel to a regulatory body in accordance with the provisions of subsection 3 of section 2 of this act** is immune from any civil liability for:~~

~~(a) Any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter or any law or regulation governing occupational licensing; or~~

~~(b) Communicating or cooperating with or providing any documents or other information to any other governmental entity, officer or employee conducting an investigation, disciplinary proceeding or civil or criminal prosecution.] **(Deleted by amendment.)**~~

**Sec. 11.** NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. ~~Nothing]~~ **Subject to the provisions of sections 6 and 7 of this act, nothing** in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

**Sec. 12.** NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel ~~[-]~~ **subject to the provisions of sections 6 and 7 of this act.**



**Sec. 13.** NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

- (a) On its own motion;
- (b) On the complaint of any person; or
- (c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

↳ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board ~~and~~ **subject to the provisions of sections 6 and 7 of this act.**

9. The decision of the Board must be by majority vote thereof.

**Sec. 14.** NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence , *except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123*, and a witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

**Sec. 15.** NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation ~~{;}~~ *subject to the provisions of sections 6 and 7 of this act;*

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

↪ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

- (a) Place the person on probation for a specified period on any of the conditions specified in the order;
- (b) Administer a written public reprimand to the person;
- (c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;
- (d) Suspend the person's license for a specified period or until further order of the Board;
- (e) Revoke the person's license;
- (f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;
- (g) Require supervision of the person's practice;
- (h) Impose a fine not to exceed \$5,000 for each violation;
- (i) Require the person to perform community service without compensation;
- (j) Require the person to take a physical or mental examination or an examination testing his or her competence; and
- (k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

**Sec. 16.** NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~[Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.]~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.
6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.
7. Have and use a common seal.
8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.
9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.
10. Have discretion to examine work authorizations in dental offices or dental laboratories.

**Sec. 17.** NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

- (a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.
- (b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~[-]~~ **subject to the provisions of section 6 of this act.**

**Sec. 18.** NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~[-]~~ **15** days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

**Sec. 19.** NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~[-]~~ **1 year** following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

**Sec. 19.5.** NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

- (a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.
- (b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.
- (c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ ~~an attorney,~~ *attorneys*, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

**Sec. 20.** NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~10~~ **15** days after the time the order becomes effective, apply in writing to

the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

**Sec. 21.** NRS 640C.190 is hereby amended to read as follows:

640C.190 ***Subject to the provisions of sections 6 and 7 of this act:***

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

**Sec. 22.** NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~{10}~~ **15** days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

**Sec. 23.** NRS 645A.193 is hereby amended to read as follows:

645A.193 **1.** The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

**2. Notwithstanding the provision of paragraph (c) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.**

**Sec. 24.** NRS 645A.235 is hereby amended to read as follows:

645A.235 **1.** A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

**2.** Notwithstanding the provision of paragraph ~~{(m)}~~ **(c)** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

**Sec. 25.** NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ (c) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

**Sec. 26.** NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act.*

**Sec. 27.** NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act.*

**Sec. 28.** NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ (c) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

**Sec. 29.** NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of

the provisions of this chapter ~~[ ]~~ *subject to the provisions of sections 6 and 7 of this act.*

**Sec. 30.** ~~[NRS 41.0307 is hereby amended to read as follows:~~

~~41.0307 As used in NRS 41.0305 to 41.039, inclusive:~~

~~1. "Employee" includes an employee of a:~~

~~(a) Part time or full time board, commission or similar body of the State or a political subdivision of the State which is created by law.~~

~~(b) Charter school.~~

~~(c) University school for profoundly gifted pupils described in chapter 388C of NRS.~~

~~2. "Employment" includes any services performed by an immune contractor.~~

~~3. "Immune contractor" means any natural person, professional corporation or professional association which:~~

~~(a) Is an independent contractor with the State pursuant to NRS 333.700; and~~

~~(b) Contracts to provide medical services for the Department of Corrections [.] or contracts to act as legal counsel to a regulatory body in accordance with the provisions of subsection 3 of section 2 of this act.~~

~~As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.~~

~~4. "Public officer" or "officer" includes:~~

~~(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.~~

~~(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.~~

~~(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.] (Deleted by amendment.)~~

**Sec. 30.5.** NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[\$75,000]~~ **\$200,000** for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.



(b) If the revenue of the board from all sources is ~~[\$75,000]~~ **\$200,000** or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

**Sec. 31.** This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 346.

Bill read third time.

The following amendment was proposed by Assemblywoman Joiner:

Amendment No. 573.

AN ACT relating to child care; ~~requiring~~ **authorizing** the operator of a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring certain persons who are employed at or otherwise present at a **registered** small child care establishment to undergo a criminal background check ~~if~~ **under certain circumstances**; authorizing the Division of Public and Behavioral Health of the Department to collect from a child care facility or small child care establishment the costs relating to an investigation of a violation; requiring the licensee of a child care facility **or the operator of a registered small child care establishment** to ensure that each child at the ~~child care~~ facility **or establishment** wears a helmet while using certain devices; providing for the inspection of such an establishment; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law defines the term "child care facility" to mean an establishment that provides child care to five or more children for compensation and certain other child care establishments. (NRS 432A.024) **Section 2** of this bill defines the term "small child care establishment" to mean an establishment that furnishes child care to not more than four children unrelated to the operator for compensation, outside the home and the presence of the parent or guardian of any of the children and on a regular basis for at least 3 weeks. **Section 3** of this bill ~~requires~~ **authorizes** a person or governmental entity that wishes to operate **or operates** a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services and submit certain information to the Division concerning employees and certain residents of the establishment. ~~Section 9 of this bill authorizes the Division of Public and Behavioral Health of the Department to seek an injunction against any person or governmental entity that operates a small child care establishment without registering with the Division of Welfare and Supportive Services. Section 10 of this bill makes it a misdemeanor to operate a small child care establishment without registering with the Division of Welfare and Supportive Services.~~

Existing law requires every applicant for and holder of a license to operate a child care facility, employee of such an applicant or licensee and certain adult residents of a child care facility to undergo a criminal background

check conducted by the Division at least once every 5 years. (NRS 432A.170, 432A.175) If a criminal background check reveals that such a person has been convicted of certain crimes, the person must be terminated or otherwise prevented from having direct contact with children at the facility. (NRS 432A.1775) **Sections 7.2-7.6** of this bill make these requirements applicable to operators, employees and certain adult residents of small child care establishments ~~that are registered with the Division of Welfare and Supportive Services.~~ **Section 7.8** of this bill also requires an operator of ~~such a~~ **such a** small child care establishment to maintain certain records relating to those background checks. ~~Section 3 prohibits a person who has been convicted of certain crimes from operating a small child care establishment.~~

**Section 7** of this bill authorizes the State Board of Health to adopt regulations to enforce the ~~requirements for~~ **provisions relating to** registration and background checks and to ensure the safe operation of **registered** small child care establishments. The Division of Public and Behavioral Health is authorized to impose a fine against any **registered** small child care establishment that violates the requirements or regulations. (NRS 432A.190)

**Section 5** of this bill requires the licensee of a child care facility or the operator of a **registered** small child care establishment to ensure that each child at the facility or establishment wears a helmet while riding a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.

Existing law authorizes any authorized member or employee of the Division to enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of applicable law. **Section 8** of this bill extends those inspection provisions to include small child care establishments ~~that are~~ **, whether registered or not.** If a complaint against a child care facility or small child care establishment is substantiated, **section 4.5** of this bill authorizes the Division to collect from the facility or establishment the costs of the Division relating to the violation, including the costs of any necessary inspection or investigation.

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

**Section 1.** Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *“Small child care establishment” means an establishment that furnishes care to not more than four children under 18 years of age who are not related to the operator of the establishment within the fourth degree of consanguinity or affinity:*

*1. For monetary compensation;*

2. Outside the home and the presence of the parents or guardians of any of the children; and

3. For at least 6 hours each day, at least 4 days each week and more than 3 consecutive weeks.

Sec. 3. 1. A person, state or local government unit or agency thereof that wishes to operate or operates a small child care establishment ~~must, before furnishing care to any children,~~ may register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division of Welfare and Supportive Services on the Internet website of the Division of Welfare and Supportive Services the following information:

(a) The name, address and contact information of the ~~prospective~~ operator of the small child care establishment;

(b) The name and address of the small child care establishment;

(c) An affirmation that the operator of the small child care establishment is in compliance with subsection 2; and

(d) Such additional information as the Division of Welfare and Supportive Services deems necessary.

2. A person shall not serve as the operator of a registered small child care establishment if the person has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. 1. If a complaint against a child care facility, a small child care establishment ~~or~~ or a person who operates a child care facility without a license or a person who operates a small child care establishment ~~without registering in accordance with section 3 of this act~~, whether registered or not, is substantiated, the Division may charge and collect from the facility, establishment or person the actual cost incurred by the Division relating to the violation, including the actual cost of conducting an inspection or investigation of the facility, establishment or person.

2. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 5. The licensee of a child care facility or the operator of a registered small child care establishment shall ensure that each child at the facility or establishment, as applicable, wears a helmet while using a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.

Sec. 6. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) ***Any regulations necessary to carry out the provisions of section 3 of this act or to ensure the safe operation of small child care establishments.***

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

**Sec. 7.2.** NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. ~~The~~ ***Subject to the provisions of subsection 7, the*** Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee ~~or~~, ***operator of a small child care establishment***, employee of an applicant, ~~or~~ licensee ~~or~~ ~~every~~ ***small child care establishment***, resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

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

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. ~~The~~ **Subject to the provisions of subsection 7, the** Division shall request information concerning every applicant, licensee ~~or~~, ***operator of a small child care establishment***, employee of an applicant, ~~or~~ licensee ~~or~~ ~~every~~ ***small child care establishment***, resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, ~~or~~ licensee ~~or~~ ***small child care establishment***, resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) ***Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.***

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care

facility without supervision before the investigation of the background and personal history of the person has been conducted.

**7. The provisions of subsections 2 and 3 apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.**

**Sec. 7.4.** NRS 432A.175 is hereby amended to read as follows:

432A.175 1. **Subject to the provisions of subsection 2:**

~~(a)~~ **(a)** Every applicant for a license to operate a child care facility, licensee ~~and~~, **operator of a small child care establishment**, employee of ~~such~~ an applicant, ~~or~~ licensee ~~and every~~ **or small child care establishment**, resident of a child care facility **or small child care establishment** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

~~(1)~~ **(1)** Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~(2)~~ **(2)** Written statement detailing any prior criminal convictions; and

~~(3)~~ **(3)** Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

~~(b)~~ **(b)** If an employee of an applicant for a license to operate a child care facility, ~~or~~ licensee ~~or~~ **small child care establishment**, a resident of a child care facility **or small child care establishment** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant, ~~or~~ licensee ~~or~~ **small child care establishment** who shall then comply with the provisions of NRS 432A.1755.

~~(c)~~ **(c)** An applicant for a license to operate a child care facility, ~~or~~ licensee **or operator of a small child care establishment** shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

~~44~~ (d) An applicant for a license to operate a child care facility , ~~for~~ licensee *or operator of a small child care establishment* shall notify the Division within 2 days after receiving notice that:

~~(a)~~ (1) The applicant, licensee *or operator*, an employee of the applicant , ~~for~~ licensee ~~or~~ *small child care establishment*, a resident of the child care facility *or small child care establishment* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility , *establishment* or program operated by the applicant , ~~for~~ licensee ~~or~~ *operator* is the subject of a lawsuit or any disciplinary proceeding; or

~~(b)~~ (2) The applicant , ~~for~~ licensee ~~or~~ *operator or* an employee, a resident or *a* participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

**Sec. 7.6.** NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Subject to the provisions of subsection 2:

(a) Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility , ~~for~~ a licensee ~~or~~ *a small child care establishment*, a resident of a child care facility *or small child care establishment* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant , ~~for~~ licensee *or operator of the small child care establishment* shall terminate the employment of the employee or remove the resident from the facility *or establishment* or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to ~~subsection 2~~

~~2~~ paragraph (b).

(b) If an employee, resident or participant believes that the information provided to the applicant , ~~for~~ licensee *or operator* pursuant to ~~subsection 1~~ paragraph (a) is incorrect, the employee, resident or participant must inform the applicant , ~~for~~ licensee *or operator* immediately. The applicant , ~~for~~ licensee *or operator* shall give any such employee, resident or participant 30 days to correct the information.



~~2.~~ (c) During any period in which an employee, resident or participant seeks to correct information pursuant to ~~subsection 2.~~ paragraph (b). it is within the discretion of the applicant, ~~or~~ licensee *or operator* whether to allow the employee, resident or participant to continue to work for or reside at the child care facility *or small child care establishment* or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 7.8. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. ~~Each~~ Subject to the provisions of subsection 3, each applicant for a license to operate a child care facility, ~~and~~ licensee *and operator of a small child care establishment* shall maintain records of the information concerning ~~its~~ employees *of the child care facility or small child care establishment* and any residents of the child care facility *or small child care establishment* who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant, ~~or~~ licensee *or operator* submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility *or small child care establishment* or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

3. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

**Sec. 8.** NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility ***or a small child care establishment, whether registered or not,*** or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

↳ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

**Sec. 9.** ~~NRS 432A.210 is hereby amended to read as follows:~~

~~432A.210 1. Except as *otherwise* provided in subsection 1 of NRS 432A.131, the Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any [child]:~~

~~(a) Child care facility [;~~

~~(a) Without] *without* first obtaining a license therefor [; or~~

~~(b) After] *or after* his or her license has been revoked or suspended by the Division.~~

~~(b) *Small child care establishment without registering with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.*~~

~~2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility *or establishment* without a license [.] *or the proper registration, as applicable.*~~

~~(Deleted by amendment.)~~

**Sec. 10.** NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and sections 3, 4.5***

~~and 5 of this act for a small child care establishment without registering pursuant to section 3 of this act~~ is guilty of a misdemeanor.

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 372.

Bill read third time.

The following amendment was proposed by Assemblywoman Bilbray-Axelrod:

Amendment No. 575.

AN ACT relating to intercollegiate athletics; enacting the Revised Uniform Athlete Agents Act (2015); repealing the Uniform Athletes' Agents Act; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law enacted and subsequently amended the Uniform Athletes' Agents Act. Generally, the Uniform Athletes' Agent Act requires an athlete agent to register with the Secretary of State and prohibits certain conduct by athlete agents. (NRS 398.400-398.620) This bill repeals the Uniform Athletes' Agents Act and enacts the Revised Uniform Athlete Agents Act (2015), except that **section 20.3** maintains existing law governing the applicability of the provisions of law governing athlete agents and **section 20.7** maintains existing law governing the confidentiality of certain information or documents obtained by, or filed with, the Secretary of State.

**Section 5** of this bill generally defines an athlete agent subject to the provisions of the Revised Uniform Athlete Agents Act (2015) as an individual who: (1) directly or indirectly induces or attempts to induce a student athlete to enter an agency contract; (2) for compensation procures or attempts to procure employment for a student athlete as a professional athlete; (3) for compensation or the anticipation of compensation advises a student athlete on his or her finance or business affairs; or (4) in anticipation of representing a student athlete gives something of value to the athlete or another person.

**Section 22** of this bill prohibits an individual from acting as an athlete agent without registering with the Secretary of State. **Section 23** of this bill requires an applicant for such registration to disclose certain information including, without limitation, training, experience and education, any conviction of a felony, ~~for crime of moral turpitude,~~ any administrative or judicial determination that the applicant has made a false or deceptive representation and whether the applicant's license as an athlete agent has been denied, suspended or revoked in any state or has been the subject or cause of any sanction, suspension or declaration of ineligibility.

**Sections 23 and 24** of this bill require reciprocal registration of an athlete agent if: (1) the agent is issued a certificate of registration by another state and the registration has not been suspended or revoked; (2) no action involving the athlete agent's conduct as an athlete agent is pending in any state; and (3) the application and registration requirements of the other state are substantially similar to or more restrictive than the law in this State.

**Section 29** of this bill maintains existing law by requiring the Secretary of State to establish by regulation fees for the registration or renewal of registration as an athlete agent.

**Sections 30-32** of this bill contain the requirements for entering an agency contract. **Section 30** requires such a contract to include, without limitation, a statement that the athlete agent is registered in the state in which the contract is signed, list any other state in which the agent is registered and set forth compensation of the athlete agent. The contract must be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport. **Section 31** requires both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement or before the athlete's next scheduled event, whichever occurs first. **Section 31** further specifies additional circumstances under which an athlete agent or student athlete must notify an athletic director or educational institution of information concerning the relationship between the athlete agent and the student athlete. **Section 32** provides a student athlete with a right to cancel an agency contract not more than 14 days after the contract is signed.

**Section 33** of this bill requires athlete agents to maintain executed contracts and other specified records for a period of 5 years, including information about represented individuals and recruitment.

**Section 34** of this bill prohibits an athlete agent from: (1) providing materially false or misleading information, promises or representations with the intent of influencing a student athlete to enter into an agency contract; (2) furnishing anything of value to a student athlete before that athlete enters into an agency contract; (3) furnishing anything of value to an individual other than a student athlete; (4) initiating contact with a student athlete unless registered under the Revised Uniform Athlete Agents Act (2015); (5) failing to create, retain or permit inspection of required records; (6) failing to register where required; (7) providing materially false or misleading information in an application for registration or renewal thereof; (8) predating or postdating an agency contract; (9) failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport; or (10) encouraging another individual to take on behalf of the agent an action the agent is prohibited from taking. **Section 35** of this bill provides that a person who violates any provision of **section 34** of this bill is guilty of a misdemeanor and must be required to pay restitution. **Section 36** of this bill authorizes a

student athlete or educational institution to bring a civil action against an athlete agent for damages, and authorizes the student athlete or educational institution to be awarded actual damages, as well as costs and reasonable attorney's fees.

**Sections 39-41** of this bill revise provisions governing the enforcement of the Uniform Athletes' Agents Act so that those provisions apply to the enforcement of the provisions of this bill. **Section 40** further increases the maximum administrative fine that may be imposed by the Secretary of State from \$25,000 to \$50,000.

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

**Section 1.** Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

**Sec. 2.** *NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act may be cited as the Revised Uniform Athlete Agents Act (2015).*

**Sec. 3.** *As used in NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 20, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 4.** *"Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or endorsement contract.*

**Sec. 5.** *"Athlete agent":*

*1. Means an individual, whether or not registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act who:*

*(a) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;*

*(b) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:*

*(1) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or*

*(2) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; or*

*(c) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:*

*(1) Gives consideration to the student athlete or another person;*

(2) *Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or*

(3) *Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but*

2. *Does not include an individual who:*

(a) *Acts solely on behalf of a professional sports team or organization; or*

(b) *Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:*

(1) *Also recruits or solicits the athlete to enter into an agency contract;*

(2) *Also, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or*

(3) *Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.*

Sec. 6. *“Athletic director” means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.*

Sec. 7. *“Educational institution” includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.*

Sec. 8. *“Endorsement contract” means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.*

Sec. 9. *“Enrolled” means registered for courses and attending athletic practice or class. “Enrolls” has a corresponding meaning.*

Sec. 10. *“Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.*

Sec. 11. *“Interscholastic sport” means a sport played between educational institutions that are not community colleges, colleges or universities.*

Sec. 12. *“Licensed, registered or certified professional” means an individual licensed, registered or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant or member of a profession, other than that of athlete agent, who is licensed, registered or certified by the state or a*

*nationally recognized organization that licenses, registers or certifies members of the profession on the basis of experience, education or testing.*

Sec. 13. *“Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.*

Sec. 14. *“Professional sports services contract” means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.*

Sec. 15. *“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 16. *“Recruit or solicit” means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.*

Sec. 17. *“Registration” means registration as an athlete agent under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

Sec. 18. *“Sign” means, with present intent to authenticate or adopt a record:*

- 1. To execute or adopt a tangible symbol; or*
- 2. To attach to or logically associate with the record an electronic symbol, sound or process.*

Sec. 19. *“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 20. *“Student athlete” means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.*

Sec. 20.3. *1. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act apply to a person who sells or offers to sell his or her services as an athlete agent if the offer is:*

- (a) Made in this State;*
- (b) Accepted in this State;*
- (c) Accepted by a resident of this State; or*
- (d) Accepted by a student athlete who is enrolled at an educational institution.*

2. *For the purpose of this section, an offer is made in this State, whether or not either party is present in this State, if the offer:*

*(a) Originates in this State; or*

*(b) Is directed by the offeror to a destination in this State and received where it is directed, or at a post office in this State if the offer is mailed.*

3. *For the purpose of this section, an offer is accepted in this State if the acceptance:*

*(a) Is communicated to the offeror in this State; and*

*(b) Has not previously been communicated to the offeror, orally or in writing, outside this State.*

↪ *Acceptance is communicated to the offeror in this State, whether or not either party is present in this State, if the offeree directs it to the offeror in this State reasonably believing the offeror to be in this State and it is received where it is directed, or at any post office in this State if the acceptance is mailed.*

Sec. 20.7. 1. *Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, the following information and documents do not constitute public information and are confidential:*

*(a) Information or documents obtained by the Secretary of State in connection with an investigation conducted pursuant to NRS 398.600 concerning possible violations of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and*

*(b) Information or documents filed with the Secretary of State in connection with an application for registration filed pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act that constitute commercial or financial information, or business practices, of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.*

2. *The Secretary of State may submit any information or evidence obtained in connection with an investigation conducted pursuant to NRS 398.600 to the Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

3. *The Secretary of State may disclose any information obtained in connection with an investigation conducted pursuant to NRS 398.600 to any other governmental agency if the disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding and the receiving agency represents in writing that, under applicable law, protections exist to preserve the integrity, confidentiality and security of the information.*

4. *The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not create any privilege and do not diminish any privilege existing pursuant to common law, a specific statute or regulation, or otherwise.*



**Sec. 21. 1.** *The Secretary of State may adopt regulations to carry out the provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

**2.** *By acting as an athlete agent in this State, a nonresident individual appoints the Secretary of State as the individual's agent for service of process in any civil action in this State related to the individual acting as an athlete agent in this State.*

**3.** *The Secretary of State may issue a subpoena for material that is relevant to the administration of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

**Sec. 22. 1.** *Except as otherwise provided in subsection 2, an individual may not act as an athlete agent in this State without holding a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

**2.** *Before being issued a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, an individual may act as an athlete agent in this State for all purposes except signing an agency contract if:*

*(a) A student athlete or another person acting on behalf of the athlete initiates communication with the individual; and*

*(b) Not later than 7 days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this State.*

**3.** *An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.*

**Sec. 23. 1.** *An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:*

*(a) The name and date and place of birth of the applicant and the following contact information for the applicant:*

*(1) The address of the applicant's principal place of business;*

*(2) Work and mobile telephone numbers; and*

*(3) Any means of communicating electronically, including a facsimile number, electronic mail address, and personal and business or employer websites;*

*(b) The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form and the nature of the business;*

*(c) Each social media account with which the applicant or the applicant's business or employer is affiliated;*

*(d) Each business or occupation in which the applicant engaged within 5 years before the date of the application, including self-employment and*

*employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;*

*(e) A description of the applicant's:*

*(1) Formal training as an athlete agent;*

*(2) Practical experience as an athlete agent; and*

*(3) Educational background relating to the applicant's activities as an athlete agent;*

*(f) The name of each student athlete for whom the applicant acted as an athlete agent within 5 years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;*

*(g) The name and address of each person that:*

*(1) Is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of 5 percent or greater of the athlete agent's business if it is not a corporation; and*

*(2) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5 percent or greater in the corporation;*

*(h) A description of the status of any application by the applicant, or any person named under paragraph (g), for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;*

*(i) Whether the applicant, or any person named under paragraph (g), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would ~~involve moral turpitude or~~ be a felony if committed in this State and, if so, identification of:*

*(1) The crime;*

*(2) The law enforcement agency involved; and*

*(3) If applicable, the date of the conviction and the fine or penalty imposed;*

*(j) Whether, within 15 years before the date of application, the applicant, or any person named under paragraph (g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding;*

*(k) Whether the applicant, or any person named under paragraph (g), has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, which is not current at the date of the application;*

*(l) Whether, within 10 years before the date of application, the applicant, or any person named under paragraph (g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;*

*(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g), made a false, misleading, deceptive or fraudulent representation;*

*(n) Each instance in which conduct of the applicant, or any person named under paragraph (g), resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution;*

*(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g), arising out of occupational or professional conduct;*

*(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (g), as an athlete agent in any state;*

*(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;*

*(r) If the applicant is certified or registered by a professional league or players association:*

*(1) The name of the league or association;*

*(2) The date of certification or registration, and the date of expiration of the certification or registration, if any; and*

*(3) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and*

*(s) Any additional information required by the Secretary of State.*

*2. Instead of proceeding under subsection 1, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this State by submitting to the Secretary of State:*

*(a) A copy of the application for registration in the other state;*

*(b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury;*

*(c) A copy of the certificate of registration from the other state; and*

*(d) The information required by section 25 of this act.*

*3. Except as otherwise provided in section 25 of this act, the Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection 2 if the Secretary of State determines:*

*(a) The application and registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and*

*(b) The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.*

4. For purposes of implementing subsection 3, the Secretary of State may:

(a) Cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

Sec. 24. 1. Except as otherwise provided in subsection 2 and section 25 of this act, the Secretary of State shall issue a certificate of registration to an applicant for registration who complies with subsection 1 of section 23 of this act.

2. The Secretary of State may refuse to issue a certificate of registration to an applicant for registration under subsection 1 of section 23 of this act if the Secretary of State determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of State may consider whether the applicant has:

(a) Plead guilty or no contest to, has been convicted of, or has charges pending for, a crime that would ~~involve moral turpitude or~~ be a felony if committed in this State;

(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;

(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by section 34 of this act;

(e) Had a registration as an athlete agent suspended, revoked or denied in any state;

(f) Been refused renewal of registration as an athlete agent in any state;

(g) Engaged in conduct resulting in imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution; or

(h) Engaged in conduct that adversely reflects on the applicant's credibility, honesty or integrity.

3. In making a determination under subsection 2, the Secretary of State shall consider:

(a) How recently the conduct occurred;

(b) The nature of the conduct and the context in which it occurred; and

(c) Other relevant conduct of the applicant.

4. An athlete agent registered under subsection 1 may apply to renew the registration by submitting an application for renewal in a form prescribed by the Secretary of State. The applicant shall sign the

*application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.*

*5. An athlete agent registered under subsection 3 of section 23 of this act may renew the registration by proceeding under subsection 4 or, if the registration in the other state has been renewed, by submitting to the Secretary of State copies of the application for renewal in the other state, the renewed registration from the other state and the information required by section 25 of this act. Except as otherwise provided in section 25 of this act, the Secretary of State shall renew the registration if the Secretary of State determines:*

*(a) The registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and*

*(b) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.*

*6. A certificate of registration or renewal of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act is valid for 2 years.*

*Sec. 25. 1. In addition to any other requirements set forth in this chapter:*

*(a) An individual who applies for registration or the renewal of registration as an athlete agent pursuant to section 23 or 24 of this act, respectively, must include the social security number of the applicant in the application submitted to the Secretary of State.*

*(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

*2. The Secretary of State shall include the statement required pursuant to subsection 1 in:*

*(a) The application or any other forms that must be submitted for registration or the renewal of registration as an athlete agent; or*

*(b) A separate form prescribed by the Secretary of State.*

*3. Registration as an athlete agent may not be issued or renewed by the Secretary of State if the applicant:*

*(a) Fails to submit the statement required pursuant to subsection 1; or*

*(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

4. *If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

Sec. 26. 1. *If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an individual who is registered as an athlete agent, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Secretary of State shall reinstate a registration as an athlete agent that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the individual whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 27. 1. *The Secretary of State may limit, suspend, revoke or refuse to renew a registration of an individual registered under subsection 1 of section 24 of this act for conduct that would have justified refusal to issue a certificate of registration under subsection 2 of section 24 of this act.*

2. *The Secretary of State may suspend or revoke the registration of an individual registered under subsection 3 of section 23 of this act or renewed under subsection 5 of section 24 of this act for any reason for which the Secretary of State could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under subsection 2 of section 24 of this act.*

Sec. 28. *The Secretary of State may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.*

Sec. 29. *The Secretary of State shall adopt regulations establishing fees for:*

1. *An initial application for registration.*
2. *Registration based on a certificate of registration issued by another state.*
3. *An application for renewal of registration.*

4. *Renewal of registration based on a renewal of registration in another state.*

Sec. 30. 1. *An agency contract must be in a record signed by the parties.*

2. *An agency contract must contain:*

(a) *A statement that the athlete agent is registered as an athlete agent in this State and a list of any other states in which the agent is registered as an athlete agent;*

(b) *The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;*

(c) *The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;*

(d) *A description of any expenses the athlete agrees to reimburse;*

(e) *A description of the services to be provided to the athlete;*

(f) *The duration of the contract; and*

(g) *The date of execution.*

3. *Subject to subsection 7, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:*

**WARNING TO STUDENT ATHLETE**

**IF YOU SIGN THIS CONTRACT:**

**(a) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;**

**(b) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND**

**(c) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.**

4. *An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.*

5. *A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.*

6. *At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subsection 4.*

7. *If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection 3 must be revised accordingly.*

Sec. 31. 1. *Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.*

2. *Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.*

3. *If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.*

4. *If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:*

(a) *The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or*

(b) *The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.*

5. *An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:*

(a) *The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or*



*(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.*

*6. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.*

*7. An educational institution that becomes aware of a violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act by an athlete agent shall notify the Secretary of State and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.*

*8. As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.*

**Sec. 32. 1.** *A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.*

*2. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.*

*3. If a student athlete, parent or guardian cancels an agency contract, the athlete, parent or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.*

**Sec. 33. 1.** *An athlete agent shall create and retain for 5 years records of the following:*

*(a) The name and address of each individual represented by the agent;*

*(b) Each agency contract entered into by the agent; and*

*(c) The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.*

*2. Records described in subsection 1 are open to inspection by the Secretary of State during normal business hours.*

**Sec. 34. 1.** *An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:*

*(a) Give materially false or misleading information or make a materially false promise or representation;*

*(b) Furnish anything of value to the athlete before the athlete enters into the contract; or*

(c) *Furnish anything of value to an individual other than the athlete or another registered athlete agent.*

2. *An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:*

(a) *Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent or guardian to enter an agency contract unless registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act;*

(b) *Fail to create or retain or to permit inspection of the records required by section 33 of this act;*

(c) *Fail to register when required by section 22 of this act;*

(d) *Provide materially false or misleading information in an application for registration or renewal of registration;*

(e) *Predate or postdate an agency contract; or*

(f) *Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.*

3. *The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not limit the power of the State of Nevada to punish a person for conduct that constitutes a crime pursuant to any other law.*

Sec. 35. *An athlete agent who violates section 34 of this act is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$50,000 or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.*

Sec. 36. 1. *An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:*

(a) *Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or*

(b) *Suffers financial damage.*

2. *A plaintiff that prevails in an action under this section may recover actual damages and costs and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of*

*benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.*

**Sec. 37.** *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

**Sec. 38.** *NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).*

**Sec. 39.** NRS 398.600 is hereby amended to read as follows:

398.600 1. The Secretary of State may, within or outside this state:

(a) Investigate any violation of:

(1) A provision of NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act;**

(2) A regulation adopted by the Secretary of State pursuant to NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act;** or

(3) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act.**

(b) Conduct such other investigations as the Secretary of State finds necessary to aid in the enforcement of NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act** and any regulation or order adopted or issued by the Secretary of State pursuant thereto.

2. If the Secretary of State determines that a violation specified in paragraph (a) of subsection 1 has occurred, the Attorney General may prosecute the violation at the request of the Secretary of State.

3. If the Attorney General declines to prosecute such a violation, the district attorney of the appropriate county may prosecute the violation at the request of the Secretary of State.

**Sec. 40.** NRS 398.610 is hereby amended to read as follows:

398.610 1. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated, or is about to violate, any provision of NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act**, the Secretary of State, in addition to any specific power granted by NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act** may, without a prior hearing, issue a summary order against the person,

directing the person to cease and desist from any further acts that constitute or would constitute such a violation until he or she is in compliance with NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[-inclusive.]~~ **and sections 2 to 38, inclusive, of this act.** The summary order to cease and desist must specify the section of NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[-inclusive.]~~ **and sections 2 to 38, inclusive, of this act** or the regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[-inclusive.]~~ **and sections 2 to 38, inclusive, of this act** which the Secretary of State reasonably believes has been or is about to be violated.

2. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated any provision of NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[-inclusive.]~~ **and sections 2 to 38, inclusive, of this act** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[-inclusive.]~~ **and sections 2 to 38, inclusive, of this act,** the Secretary of State, in addition to any specific power granted by NRS ~~398.400 to~~ **398.600, 398.610 and** 398.620 ~~[-inclusive.]~~ **and sections 2 to 38, inclusive, of this act** after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

- (a) Issue an order against the person to cease and desist;
- (b) Censure the person if he or she is a registered ~~athlete's~~ **athlete** agent;
- (c) Suspend, revoke or refuse to renew the registration of the person as an ~~athlete's~~ **athlete** agent; or
- (d) If it is determined that the violation was willful, issue an order against the person imposing an administrative fine of not more than ~~[\$25,000.]~~ **\$50,000.**

3. If the person to whom notice is given pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives his or her right to a hearing and the Secretary of State shall issue a permanent order. If the person requests a hearing, the Secretary of State shall set the matter for hearing not less than 15 or more than 60 days after the Secretary of State receives the request for a hearing. The Secretary of State shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. The imposition of the sanctions provided in this section is limited as follows:

- (a) If the Secretary of State revokes the registration of an ~~athlete's~~ **athlete** agent, the imposition of that sanction precludes the imposition of an administrative fine pursuant to subsection 2; and
- (b) The imposition by the Secretary of State of one or more sanctions pursuant to subsection 2 with respect to a specific violation precludes the

Secretary of State from later imposing any other sanction pursuant to subsection 2 with respect to that violation.

5. For the purpose of determining any sanction to be imposed pursuant to subsection 2, the Secretary of State shall consider, among other factors, how recently the conduct occurred, the nature of the conduct and the context in which it occurred, and any other relevant conduct of the applicant.

6. If a sanction is imposed pursuant to this section, the Secretary of State may recover the costs of the proceeding, including, without limitation, investigative costs and attorney's fees, from the person against whom the sanction is imposed.

**Sec. 41.** NRS 398.620 is hereby amended to read as follows:

398.620 1. For the purposes of an investigation or proceeding pursuant to NRS ~~[398.400 to]~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act**, the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses and compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other documents or records which the Secretary of State or the Secretary of State's designated officer or employee determines to be relevant or material to the investigation or proceeding. A person whom the Secretary of State or a designated officer or employee does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of documents which he or she is required by subpoena to produce. The Secretary of State or a designated officer or employee may require or permit a person to file a statement, under oath or otherwise as the Secretary of State or a designated officer or employee determines, as to the facts and circumstances concerning the matter to be investigated.

2. If the activities constituting an alleged violation for which the information is sought would be a violation of NRS ~~[398.400 to]~~ **398.600, 398.610 and** 398.620 ~~[- inclusive,]~~ **and sections 2 to 38, inclusive, of this act** had the activities occurred in this state, the Secretary of State may issue and apply to enforce subpoenas in this state at the request of an agency or Secretary of State of another state.

3. If a person does not testify or produce the documents required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents, if the person is subject to service of process in this state; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents, if the person is not subject to service of process in this state.

**Sec. 42.** 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, *and section 20.7 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

**Sec. 43.** A person who holds a certificate of registration as an athlete's agent which was issued pursuant to NRS 398.400 to 398.620, inclusive, before July 1, 2017, and which is not expired or revoked must be deemed to hold a certificate of registration as an athlete agent issued pursuant to sections 2 to 38, inclusive, of this act.

**Sec. 43.5.** The regulation of the Secretary of State which is codified as NAC 398.100 remains in effect and may be enforced until the Secretary of State adopts a regulation to repeal or replace that regulation.

**Sec. 44.** NRS 398.400, 398.402, 398.403, 398.404, 398.408, 398.412, 398.416, 398.420, 398.424, 398.428, 398.432, 398.436, 398.440, 398.444, 398.446, 398.448, 398.452, 398.456, 398.460, 398.464, 398.468, 398.472, 398.476, 398.480, 398.482, 398.484, 398.488, 398.490, 398.492 and 398.496 are hereby repealed.

**Sec. 45.** 1. This act becomes effective on July 1, 2017.

2. Sections 25 and 26 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,  
 ↪ are repealed by the Congress of the United States.

#### LEADLINES OF REPEALED SECTIONS

**398.400** Short title.

**398.402** Applicability of provisions to person who sells or offers to sell services as athlete's agent.

**398.403** Confidentiality of information obtained in connection with application or investigation; exceptions; effect on privilege.

**398.404** Definitions.

**398.408** "Athlete's agent" defined.

**398.412** "Athletic director" defined.

**398.416** "Contract for endorsement" defined.

**398.420** "Contract for professional sports services" defined.

**398.424** "Contract of agency" defined.

**398.428** "Intercollegiate sport" defined.

**398.432** "Person" defined.



**398.436** “Record” defined.

**398.440** “Registration” defined.

**398.444** “State” defined.

**398.446** “Student athlete” defined.

**398.448** Registration required to act as athlete’s agent; limited exception; contract of agency void if in violation of section.

**398.452** Submission of application for registration to Secretary of State; application is public record; required contents and disclosures of application.

**398.456** Submission of application by person who holds registration or licensure in another state.

**398.460** Issuance of certificate of registration; grounds for denial by Secretary of State.

**398.464** Renewal of registration; period for which initial certificate and renewal are valid.

**398.468** Grounds for suspension, revocation or refusal to renew registration; issuance of temporary certificate of registration authorized.

**398.472** Adoption of regulations establishing fees; authority of Secretary of State to adopt other regulations.

**398.476** Secretary of State appointed agent for service of process for nonresident athlete’s agent; issuance of subpoenas by Secretary of State.

**398.480** Retention and inspection of records; duty to file updated information.

**398.482** Required contents of contract; contract void if does not contain required warning; athlete’s agent required to give record of contract to student athlete.

**398.484** Athlete’s agent and student athlete required to give notice of entering into contract.

**398.488** Cancellation of contract by student athlete.

**398.490** Liability of athlete’s agent or student athlete to institution for damages caused by violation; award of attorney’s fees and costs; accrual of right of action; joint and several liability; section does not restrict other rights and remedies.

**398.492** Liability of person other than athlete’s agent or student athlete to institution for damages caused by violation; award of attorney’s fees and costs.

**398.496** Prohibition on certain conduct by athlete’s agent; penalties for violation of Act, regulations and certain orders.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 5.

Bill read third time.

Remarks by Assemblyman Flores.

## ASSEMBLYMAN FLORES:

Assembly Bill 5 authorizes a local government to create a local improvement district that includes an energy efficiency improvement project or a renewable energy project on certain commercial or industrial real property.

Roll call on Assembly Bill No. 5:

YEAS—34.

NAYS—Daly, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblyman Brooks.

## ASSEMBLYMAN BROOKS:

Assembly Bill 12 makes changes to the regulation of insurance adjusters. The bill requires individuals and employees of insurers and third-party administrators who adjust workers' compensation claims to obtain a license as an adjuster. It also requires certain adjusters to obtain continuing education in order to renew a license and to adhere to certain standards of conduct. The measure provides for the issuance of a nonresident license as an adjuster and a temporary emergency license in the event of a catastrophe.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks and on July 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 12:

YEAS—42.

NAYS—None.

Assembly Bill No. 12 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblyman Oscarson.

## ASSEMBLYMAN OSCARSON:

Assembly Bill 21 relates to candidate qualifications and residency requirements. If a candidate fails to meet qualifications required for office or knowingly and willfully files a declaration or acceptance of candidacy that contains a false statement, remedies include omitting the name of a candidate from a ballot unless the deadline for revising the ballot has passed, in which case a sign must be posted at each polling place informing voters the candidate is disqualified from taking office; disqualifying the person from entering into the duties of the office; and assessing reasonable attorney's fees and costs, unless the action is brought by the Attorney General or a district or city attorney.

Forms are revised to include a statement that a candidate understands that filing a false statement is a gross misdemeanor.

A person's actual and legal domicile is clarified.

The Secretary of State may establish forms of alternative proof of residence.

Certain provisions do not apply to candidates for federal office. The Legislature's authority to act with regard to its own members is not subject to certain provisions.

Campaign accounts must be established in financial institutions located in the United States.

This bill is effective upon passage and approval for the purpose of performing any preparatory administrative tasks and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 21:

YEAS—42.

NAYS—None.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 32 authorizes the State Department of Agriculture to issue a certificate to a governmental entity and a license to a “government applicator” to engage in pest control using general- and restricted-use pesticides.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 45 revises provisions relating to election administration, including voter registration and campaign practices. To vote in an election, the last day that an elector may register is determined by the method of registration, as follows: by mail, the fourth Tuesday before an election day, and by computer, the Thursday before the early voting period begins. Clerks are not required to distribute sample ballots to persons who register to vote less than 20 days before an election. A nongovernmental entity that sends a notice to a person indicating the person is not registered to vote must indicate that the notice is not an official mailing from the Secretary of State or a county or city clerk.

Every candidate for office at a primary or general election shall report the balance in an account maintained for contributions. Campaign finance reporting requirements relating to a special election to recall a public officer apply even if the special election is not held. Campaign expenses must be reported for credit and debit card transactions, including fees.

A petition for initiative or referendum may be withdrawn by an authorized person. Before circulating a petition, the person must submit certain information to the Secretary of State.

Roll call on Assembly Bill No. 45:

YEAS—41.

NAYS—Neal.

Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Assembly Bill 62, in its first reprint, revises existing procedures and adds additional requirements for wholesale and retail tobacco dealers to aid in the statutory enforcement of the Tobacco Master Settlement Agreement. This act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 62:

YEAS—42.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 68 removes the requirement that the photograph on a driver's license be in color. It adds to current acts or practices for which the Department of Motor Vehicles [DMV] can refuse to issue a license for operating a driving school. The bill clarifies the fees for a person 65 years of age or older who applies for an identification card. The bill removes the authorization for the DMV to issue a nonresident commercial driver's license or learner's permit to a resident of a foreign jurisdiction that the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards.

Roll call on Assembly Bill No. 68:

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 77 revises various provisions concerning teachers and other educational personnel. Among other provisions, the bill provides that a teacher who has an endorsement to teach English as a second language qualifies to serve on the English Mastery Council.

Roll call on Assembly Bill No. 77:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Assembly Bill No. 77 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 80 authorizes, if adopted by ordinance, a city whose population is 220,000 or more located in a county whose population is 100,000 or more but less than 700,000, currently the City of Reno, to extend the date of termination of a redevelopment plan adopted before January 1, 1991, to the later of the retirement of the last maturing securities or 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

Roll call on Assembly Bill No. 80:

YEAS—32.

NAYS—Edwards, Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—10.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 83 is the omnibus bill of the Division of Insurance, Department of Business and Industry. The bill makes numerous changes to provisions governing insurance, including establishing provisions concerning the administrative supervision of insurers whose financial condition may be hazardous to insureds or creditors of the insurer or to the general public; providing for the regulation of network plans under which the financing and delivery of health care services are provided through a defined set of providers of health care under contract with a health carrier; revising various provisions related to insurance producers; revising various provisions concerning the discontinuation of certain insurance products; providing for certain consumer protections to purchasers of service contracts; revising minimum net worth and surety bond requirements for dental care organizations and prepaid limited health service organizations; and making various other technical changes affecting the regulation of insurance.

Roll call on Assembly Bill No. 83:

YEAS—35.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—7.

Assembly Bill No. 83 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 100 prohibits a provision in contracts for public works that requires a prime contractor to waive, release, or extinguish a claim or right for damages or an extension of time that the prime contractor may otherwise possess or acquire as a result of delay, acceleration, disruption, or an impact event that is unreasonable under the circumstances, that was not within the contemplation of the parties at the time the agreement was entered into, or for which the prime contractor is not responsible.

Roll call on Assembly Bill No. 100:

YEAS—42.

NAYS—None.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Assembly Bill 102 authorizes a court that has continuing jurisdiction to remove certain civil proceedings, such as divorce, separate maintenance, or parentage or child custody, to a court in another county after a final order, judgment, or decree has been issued. The bill also allows the respondent to request in writing before the filing time expires that the petition or motion be heard in the county where either party resides or where the child named in the proceeding resides.

Roll call on Assembly Bill No. 102:

YEAS—42.

NAYS—None.

Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 105 requires certain health care providers to obtain continuing education in suicide prevention and awareness every four years.

I want to thank the many professions that came to the table to produce a bill that everyone could value. Ultimately, this bill will save lives and get help for those that are struggling, contemplating, and in need.

Roll call on Assembly Bill No. 105:

YEAS—39.

NAYS—Krasner, McArthur, Titus—3.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 113 requires each public and private employer in this state—other than the Department of Corrections, certain small employers, and certain licensed contractors—to provide reasonable break time and an appropriate place for an employee who is a nursing mother to express breast milk.

This bill will not only help hardworking Nevadans, it will also help their children improve their health outcomes and I urge your support.

Roll call on Assembly Bill No. 113:

YEAS—33.

NAYS—Edwards, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Titus, Wheeler—9.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 123 revises provisions governing the creation of a series by a limited-liability company, LLC. If the LLC's articles of organization that are filed with the Secretary of State or the operating agreement authorize the creation of a series, then the registered agent of the company is deemed to be the registered agent for each series. Each series may be served with any legal process, notice, or demand required or authorized by law by serving the registered agent of the limited-liability company that authorized the creation of the series. In addition, a series may be created without the filing of articles of organization with the Secretary of State by the adoption of an operating agreement by the members of the series. A series may sue and be sued; make contracts; and purchase, own, and convey property in the name of the series.

If the series name does not indicate it is a series and does not contain the name of the LLC that created the series, then the series is deemed to be doing business under an assumed or fictitious name. Such a series is required to file a certificate with the county clerk stating the name and address of the LLC authorized to create the series. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 123:

YEAS—42.

NAYS—None.

Assembly Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 132 revises the definition of "officer" to include certain civilian employees and volunteers of law enforcement agencies, fire-fighting agencies, and political subdivisions of this state for the purpose of enhancing the penalties for the crimes of assault and battery against such a person.

For the body's edification, this is just adding these personnel into existing law. Even certain classes such as taxi drivers are in that law, and I think that if taxi drivers are in it—in the line of duty—there is no reason why these folks should not be.

Roll call on Assembly Bill No. 132:

YEAS—42.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 136 allows the court to use an evidence-based risk assessment tool in deciding whether there is good cause to release a person without bail. In addition, the court must consider other factors for releasing a person without bail, including imposing one or more conditions on the person to mitigate the risk of failure to appear or the risk to public safety. Lastly, the measure provides that after the defendant has personally appeared before the magistrate, the magistrate may not rely solely on any standardized bail schedule to set the amount of bail. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 136:

YEAS—36.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus, Wheeler—6.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 161 requires any written rental agreement for a single-family residence to include a disclosure advising the tenant that the lack of notarization of the agreement, one, creates a rebuttable presumption that the tenant does not have a right to lawful occupancy of the dwelling unit or premises, and two, does not render the agreement invalid.

Roll call on Assembly Bill No. 161:

YEAS—42.

NAYS—None.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 163 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblyman Hambrick.



## ASSEMBLYMAN HAMBRICK:

Assembly Bill 165 creates a new category of licensure, a health services executive, for persons who act as both an administrator of a residential facility for groups and a nursing facility administrator.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 165:

YEAS—41.

NAYS—Titus.

Assembly Bill No. 165 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblywoman Carlton.

## ASSEMBLYWOMAN CARLTON:

Assembly Bill 179 makes various changes to the Board of Massage Therapists and the types of professions regulated by the Board. It authorizes the Board to issue licenses in two new practice areas, structural integration and reflexology. The measure changes the name of the Board to the Board of Massage Therapy and modifies the composition of the Board to include a member licensed to practice in each of the two new areas. It also allows local governments to regulate a massage, reflexology, and structural integration establishment in a manner that is more stringent than regulations adopted by the Board.

Finally, A.B. 179 provides that licenses issued by the Board are valid for two years and allows the Board to, by regulation, charge up to \$350 for a license renewal. This bill is effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on July 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 179:

YEAS—37.

NAYS—Ellison, Hambrick, Krasner, McArthur, Titus—5.

Assembly Bill No. 179 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblymen Diaz, Pickard, Miller, and Edwards.

## ASSEMBLYWOMAN DIAZ:

Assembly Bill 188 makes various changes to provisions governing the Silver State Opportunity Grant Program. Specifically, the bill changes from 15 to 12 the minimum number of credit hours in which a student must enroll in order to be eligible for the Program; extends eligibility to students who are enrolled in fewer than 12 credit hours during their final semester of study in a program; allows a student to request from his or her college a waiver from the credit-hour requirement in cases of hardship; allows a student who has lost eligibility due to the credit-hour requirement to regain eligibility if he or she satisfies that requirement in a subsequent semester while not receiving the grant; specifies that if a student who has lost eligibility due to the credit-hour requirement fails to meet the requirement a second time, he or she is no longer eligible; and provides that money allocated to a college for the Program does not revert and any remaining amount must be carried forward to provide future grants for students.

For those that do not sit on the Education Committee, Mr. Speaker, I do have some statistics from the College of Southern Nevada regarding the 82 out of 191 students who lost access to this grant funding. Sixty-seven percent of them said they underestimated the amount of time it would take to take a full load of 15 credits. Eighty-two percent said they had children under the age of 18 years in the home. Sixty-eight percent said they worked either full-time or part-time, and the vast majority of students who worked full-time were minority students.

Basically with this bill, Mr. Speaker, I am seeking to hear to needs of hardworking Nevadans in our state who are working, having families, and making sure they are staying in school so they can get retrained or they can move up the economic ladder. We are making this investment so they can continue to strive and make progress and take care of their families.

ASSEMBLYMAN PICKARD:

I rise today in opposition to Assembly Bill 188 for a simple reason: There are simply not the resources available to expand what was originally targeted to a narrow set of students who are attempting to graduate on time. At some point we may have to look at what we can realistically do, and I think this is that time. The simple fact is, we do not have the resources to do this now. The Silver State Opportunity Grant has provided many young people opportunities they might not otherwise have had, and I cannot, in good conscience, risk putting these students in a place where we cannot financially follow through on the promises we have made. I urge my colleagues to vote no.

ASSEMBLYWOMAN MILLER:

I rise in support of Assembly Bill 188 because I feel that we need to do whatever we can to enable people to complete college. It is about reducing barriers, and if we look at the reduction down to 12 credits, 12 credits is what colleges and universities consider full time. It is also what is considered full time by the federal government in order to obtain financial aid and loans and such. We are not minimizing the requirements, but we are understanding that community colleges and universities, especially here in Nevada—many students are commuting to schools. They are also working, raising families, working other jobs, and so I stand in support. It is about helping more students get through the process. It is not about the sprint; it is about the marathon.

ASSEMBLYMAN EDWARDS:

I rise in opposition to this for a simple reason: The Silver State Opportunity Grant Program is not meant for everyone. It is meant for those who can get up to 15 credit hours and graduate on time. The statistics from NSHE [Nevada System of Higher Education] have been absolutely clear; using the program as it is now, 200 percent more people graduate on time. This is a program that is working. It is working to help kids graduate and graduate on time and get into the workforce. Let us not mess with something that is working. So many other things in the educational field are not; this one does. Please vote no.

Roll call on Assembly Bill No. 188:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 194 requires the Board of Examiners for Alcohol, Drug and Gambling Counselors to issue a certificate as a behavioral healthcare peer recovery support specialist to a

person who provides nonprofessional, nonclinical assistance for long-term recovery from substance abuse and other mental disorders by sharing appropriate portions of the person's own recovery. The bill establishes the requirements for obtaining a certificate and provides that behavioral healthcare peer recovery support specialists may provide services under the supervision of certain entities or organizations and conducted by qualified professionals. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 194:

YEAS—37.

NAYS—Krasner, Marchant, McArthur, Pickard, Titus—5.

Assembly Bill No. 194 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 199 changes the name of a “Physician Order for Life-Sustaining Treatment” to a “Provider Order for Life-Sustaining Treatment,” otherwise known as POLST, throughout *Nevada Revised Statutes* and authorizes a physician assistant or an advance practice registered nurse to make certain determinations regarding the completion and execution of such a form. The bill also provides for surrogates to request and execute a POLST on a patient's behalf and revises the standard for determining whether a patient has the capacity to execute or revoke the form. The bill further requires a health care provider to honor a POLST under certain circumstances. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 199:

YEAS—41.

NAYS—Carlton.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 203 clarifies that a cemetery authority is not permitted to order the disinterment and removal of human remains from certain burial plots. The bill removes a cemetery authority's ability to determine unilaterally that the further maintenance of all or any part of the cemetery as a burial place is not in accordance with the health, safety, comfort, or welfare of the public.

Roll call on Assembly Bill No. 203:

YEAS—38.

NAYS—Carrillo, Edwards, Watkins, Yeager—4.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 209 revises the criteria considered by the State Engineer for an extension of time to work a forfeiture of groundwater rights. In certain groundwater basins, the State Engineer may grant an extension of up to three years and may grant multiple extensions.

Roll call on Assembly Bill No. 209:

YEAS—41.

NAYS—Ellison.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 223 requires an electric utility to include in its resource plan an energy efficiency plan that reduces the consumption of electricity through energy efficiency and conservation programs and is designed to be cost effective. The bill allows the Public Utilities Commission of Nevada [PUCN] to accept an energy efficiency plan or program if it determines the plan is cost effective. It specifies that any order of the PUCN accepting or modifying an energy efficiency plan requires at least 5 percent of the expenditures relating to energy efficiency and conservation programs in the plan must be directed toward energy efficiency programs for low-income customers unless such a requirement is not cost effective.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 223:

YEAS—42.

NAYS—None.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Assembly Bill 228 revises provisions regarding the termination of parental rights. The measure requires personal service to be attempted on a parent or legal custodian or guardian, regardless of where the person resides. Before notice of hearing for the termination of parental rights is published, the clerk of the court is required to replace the name of the child with the initials of the child. The hearing may take place any time after the birth of the child and service on the father or putative father, if known, is completed. The hearings, files, and records of the court relating to a proceeding to terminate parental rights are confidential with certain exceptions. Lastly, this measure provides that the conviction of the natural parent of a child for a sexual assault that results in the conception of the child is grounds for terminating their rights. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 228:

YEAS—42.

NAYS—None.

Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:19 p.m.

#### ASSEMBLY IN SESSION

At 3:47 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 231, in its first reprint, revises the date of the annual report that the Governor's Office of Economic Development must submit to the Governor and the Legislative Counsel Bureau relating to local emerging small businesses from September 15 to December 1. The bill additionally eliminates the requirement that the Office aid in the development of inland ports in Nevada.

Roll call on Assembly Bill No. 231:

YEAS—42.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 232 revises the procedure for changing the name of a minor. A parent of an unemancipated minor may file a verified petition with the clerk of the district court where the minor resides. The measure sets forth steps a parent must take if there is not consent of the other parent.

Roll call on Assembly Bill No. 232:

YEAS—42.

NAYS—None.

Assembly Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 235 enacts the Uniform Commercial Real Estate Receivership Act to establish provisions governing the appointment and powers of a receiver for real property that is used for certain commercial purposes and any personal property related to or used in operating that real property. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 235:

YEAS—42.

NAYS—None.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 241 requires each governmental entity to include in its building code a requirement that every permanent building or facility used by the public and constructed on or after the effective date of this bill must be equipped with one or more baby changing tables accessible to men and women. The bill provides that the building code or ordinance, as applicable, must provide an exception for any building or facility that is not lawfully accessible by persons under 18 years of age.

Roll call on Assembly Bill No. 241:

YEAS—36.

NAYS—Edwards, Hambrick, Hansen, Marchant, McArthur, Titus—6.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 243 allows a court to grant a motion to vacate a judgment of conviction and seal the records of a victim of sex trafficking or involuntary servitude. The measure sets forth the procedure for vacating the judgment of conviction and requires the court to notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General, and each office of the district attorney and law enforcement agency in this state before deciding to grant a petition.

The court is authorized to enter an interim order to vacate a judgment of conviction if the petitioner satisfies all requirements necessary for the judgment to be vacated but the petition is deficient with respect to the sealing of the petitioner's record. If the court enters such an interim order, then the court is also required to order the sealing of the petitioner's records that relate to the judgment being vacated. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 243:

YEAS—42.

NAYS—None.

Assembly Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 244 allows certain insurance companies and their employees and agents to provide goods, prizes, gifts, and other items not to exceed \$100 in value per customer or prospective customer in any one year. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 244:

YEAS—40.

NAYS—Watkins, Yeager—2.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 245.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 245 requires a pharmacist, including a certified Internet pharmacy, to dispense an interchangeable biological product in substitution for a prescribed biological product under certain circumstances. The dispensing pharmacist must also provide certain information to a patient's prescribing practitioner concerning the specific product dispensed.

Roll call on Assembly Bill No. 245:

YEAS—42.

NAYS—None.

Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 246 extends the authority of two or more counties to create an improvement district for the acquisition of certain projects, including a park project, street project, or commercial area vitalization project, and to finance the cost of any such project through the issuance of bonds and the levy of assessments upon property in the improvement district. The bill similarly authorizes the governing bodies of two or more municipalities whose boundaries are contiguous to enter into an agreement to create a tax increment area for the acquisition or improvement of a project whose boundaries encompass all or part of each municipality. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 246:

YEAS—41.

NAYS—Neal.

Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 249 requires the State Plan for Medicaid to provide certain benefits relating to contraception. The measure also requires all public and private health insurance plans in the state to provide coverage for certain benefits relating to contraception without any copay, coinsurance, or a higher deductible.

Roll call on Assembly Bill No. 249:

YEAS—40.

NAYS—Ellison, Krasner—2.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

##### NOTICE OF EXEMPTION

April 25, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 100.

CINDY JONES

*Fiscal Analysis Division*

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 100 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 100 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 255 exempts from regulation as a deferred deposit, high-interest, or payday lender or as an installment lender a person who exclusively lends credit for business, commercial, or agricultural purposes outside of this state to persons who are not residents of this state. This bill is effective upon passage and approval.



Roll call on Assembly Bill No. 255:

YEAS—42.

NAYS—None.

Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblymen Carrillo and Tolles.

ASSEMBLYMAN CARRILLO:

Assembly Bill 258 declares the legislative intent for the creation of the Nevada Commission for Women as the advancement of women toward full equality in all areas. The bill also requires appointments to the Commission to reflect the diversity of the state insofar as practicable. The measure also allows the Chair, Vice Chair, and other officers to serve one additional term in that capacity beyond the initial one-year term. This bill is effective on July 1, 2017.

ASSEMBLYWOMAN TOLLES:

I wanted to begin today by thanking Governor Sandoval for all he has done on behalf of Nevada women, reactivating this Commission in 2015. It was an inspired move to bring together women from different walks of life, but who have in common a passion to help other Nevadans. I rise in support and urge others to join me.

Roll call on Assembly Bill No. 258:

YEAS—33.

NAYS—Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Titus, Wheeler, Woodbury—9.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblymen Thompson, Pickard, Wheeler, and McCurdy.

ASSEMBLYMAN THOMPSON:

Assembly Bill 259 provides for the vacating of certain judgments of conviction and sealing of records related to marijuana. If a person is convicted of a misdemeanor for the possession of one ounce or less of marijuana or other certain offenses involving marijuana, the person may petition the court to vacate the judgment and seal all documents relating to that case.

ASSEMBLYMAN PICKARD:

I rise in reluctant opposition to Assembly Bill 259. I am sympathetic to issues of addiction and recovery, but as an attorney practicing family law, I have seen firsthand the effects that drug abuse has on our families and our young people. Removing consequences of conduct known at the time to be wrong does not help anyone overcome anything. I do not believe it helps those convicted learn from their mistakes, so I am encouraging my colleagues to vote no.

ASSEMBLYMAN WHEELER:

I rise in opposition to Assembly Bill 259. As a former law enforcement officer, let me assure you that retroactively lessening criminal drug offenses will do nothing to make our streets safer. From day one of this legislative session, I have been outspoken on the importance of fighting those who are hooking up our young people on drugs. This legislation only gives them the

opportunity to spend more time prowling our streets and less time thinking about the effects of their actions. I urge my colleagues to vote no.

ASSEMBLYMAN MCCURDY:

We are all familiar with the war on drugs, mandatory minimum sentencing and the effect on our nation's prison population. According to the National Conference of State Legislatures, between 1980 and 2009, there was a 138 percent increase in the arrest rate for possessing or using drugs and a 77 percent increase on the arrest rate for selling or manufacturing drugs. Let us be clear: A.B. 259 lays out the legislative groundwork for the changing times in our state. Nevada voted in November to legalize recreational marijuana, and our laws must reflect those results. We have an opportunity to make our criminal justice system fair and equitable for everyone, and I urge all my colleagues to please vote in support of A.B. 259.

Roll call on Assembly Bill No. 259:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 260 revises the provisions and penalties for certain acts relating to prostitution. A customer who is found guilty of engaging in prostitution or soliciting prostitution is guilty of a misdemeanor and must pay a mandatory fine. In addition, the court is required to impose a civil penalty on a customer who is found guilty of such an offense. All civil penalties collected are to be used for enforcement and certified treatment programs. Community service may be performed in lieu of all or partial payment of the civil penalty. The court is authorized to discharge the person and dismiss the proceedings against the person upon the person's fulfilling the terms and conditions of the treatment program. The discharge and dismissal may only occur once. This bill is effective on October 1, 2017.

The purpose of this bill is to propose graduated penalties, for the existing crime of solicitation of prostitution, on the customer and allows funds for fines to be used for enforcement and prevention programs. Nevada had the highest number of calls per capita to the National Human Trafficking Hotline in 2015. Although there is much more that needs to be done to assist victims and prosecute traffickers, much of the attention in recent years has been on those two aspects, but little has been done to address the demand side of the equation. Efforts to reduce the demand for the illegal sex trade industry are necessary if the end goal is to reduce the amount of victims that are targeted, recruited, and sold by traffickers. I would urge this body to please support A.B. 260.

Roll call on Assembly Bill No. 260:

YEAS—42.

NAYS—None.

Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 262 provides that a person who repossesses a vehicle before default or commits any act against a consumer in violation of the Uniform Commercial Code has committed a deceptive trade practice.

The bill also makes changes to provisions related to surety bonds for vehicle and off-highway vehicle sellers and manufacturers. It requires the surety to appoint the Commissioner of Insurance as its agent. Additionally, the bill expands the uses for which a consumer may make a claim against a surety bond of a motor vehicle broker.

Roll call on Assembly Bill No. 262:

YEAS—42.

NAYS—None.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 267 modifies certain provisions relating to claims for occupational illness or disease. The bill allows a claimant with an occupational disease of cancer, lung disease, or heart disease to obtain temporary total disability benefits, regardless of whether the claimant was incapacitated for at least 5 cumulative days within a 20-day period. The bill also provides that if an employer, insurer, or third-party administrator denies an occupational disease claim for lung disease or heart disease and the claimant ultimately prevails, the employer, insurer, or administrator must pay the claimant's reasonable attorney's fees and associated costs. Finally, A.B. 267 restricts the dissemination and use of certain information from physical examinations required to be obtained by firefighters, arson investigators, and police officers.

Roll call on Assembly Bill No. 267:

YEAS—42.

NAYS—None.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 268 authorizes a person convicted of a felony to file a postconviction petition requesting to pay the cost of a genetic marker analysis. If such a petition is filed, the court is required to order a genetic marker analysis. The petition is subject to the same requirements imposed for a postconviction petition for genetic marker analysis; however, there is no requirement for a hearing on the petition. The petitioner is required to indicate in the petition whether he or she prefers to have a specific forensic laboratory conduct the analysis and to select from certain forensic laboratories in certain circumstances. If the court selects a forensic

laboratory operated outside Nevada to conduct or oversee the genetic marker analysis, the state is authorized to charge the petitioner a reasonable fee for the cataloging of evidence and transferring the evidence to the forensic laboratory. The petitioner who files the petition requesting to pay the cost of the genetic marker analysis is required to pay the cost before the analysis is performed and is not eligible for an exemption from payment.

Roll call on Assembly Bill No. 268:

YEAS—30.

NAYS—Paul Anderson, Ellison, Hambrick, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—12.

Assembly Bill No. 268 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 272 authorizes county and city clerks to establish polling places where any registered voter may vote in person on the day of a primary or general election. These sites must be published unless all sites accommodate any eligible voter. For any such polling place, the clerk shall prepare a roster of all eligible voters in the county or city, as applicable.

The clerk may extend the period for early voting through the Sunday before the election day and determine the hours of operation during that time. Election materials may be prepared in the language of a minority group if the clerk determines there is a significant need.

If a tribe submits a request by the deadlines as provided, at least one polling place must be established on an Indian reservation or colony for a primary or general election as well as a temporary branch polling place for early voting. A clerk is not required to establish a polling place under certain circumstances. Any proposed location must satisfy criteria established by the clerk to locate any other polling place. A voter whose signature does not match the roster or signature card may verify identity through other procedures. This bill is effective on July 1, 2017, for the purpose of adopting regulations and performing other preparatory administrative tasks and on January 1, 2018, for all other purposes.

Your hardworking committee on Legislative Operations and Elections worked very hard on the current iteration of your bill to make sure that it was palatable and workable by every stakeholder that we were involving. We worked with the Deputy Secretary of State, Mr. Thorley, and we also worked with the rural clerks as well as the urban clerks of Washoe and Clark Counties. I urge this body to support the measure.

Roll call on Assembly Bill No. 272:

YEAS—31.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—11.

Assembly Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275.

Bill read third time.

Remarks by Assemblywoman Spiegel.

## ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 275 requires Nevada's Department of Education, to the extent money is available, to establish a statewide framework for providing and coordinating integrated student supports for public school students and their families. The bill also makes certain requirements of school districts and charter schools related to integrated student supports.

Roll call on Assembly Bill No. 275:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblyman Yeager.

## ASSEMBLYMAN YEAGER:

Assembly Bill 277, in its first reprint, establishes uniform statewide standards for land use planning and zoning with regard to certain lands within or surrounding any national conservation areas in Nevada. Among other provisions, the bill also, one, creates a "Natural Resource Overlay," defined as all parcels located within the boundary of any national conservation area as well as areas of land not more than one-half mile outside the boundary; two, requires a developer to prepare an environmental impact statement for proposed developments; and three, requires a local government to post that impact statement on its website 15 calendar days prior to holding a public hearing to take final action. Finally, the bill repeals certain provisions of two acts, the Spring Mountains National Recreation Area Act and Red Rock Canyon Conservation Area and Adjacent Lands Act.

Roll call on Assembly Bill No. 277:

YEAS—30.

NAYS—Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Tolles, Wheeler, Woodbury—12.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblyman Daly.

## ASSEMBLYMAN DALY:

Assembly Bill 279 requires the Commissioner of Financial Institutions to adjust by regulation the rates paid by banks and other financial institutions based on a review of the proportional utilization of the resources of the Division of Financial Institutions by banks and other financial institutions as compared to the annual budget approved by the Legislature. Further, the measure requires the Commissioner to publish on the Internet website of the Division by December 31 of each year the amount of the fee for the following year. The bill defines the term "financial institution" to include a depository institution and any other institution or business regulated by the Division. Finally, the bill also requires the Commissioner to examine the accounts of the holder of a license to engage in the business of lending so far as they pertain to the business that is licensed.

Roll call on Assembly Bill No. 279:

YEAS—42.

NAYS—None.

Assembly Bill No. 279 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 282 allows a service member and the spouse of a service member to terminate or suspend contracts for certain services if he or she receives military orders for a change of station or to deploy for 30 days or more and prohibits a service provider from charging penalties or other charges and provides for the reinstatement of these contracts under certain circumstances. Finally, A.B. 282 authorizes a right of action by the service member or the Office of the Attorney General for violations of the provisions of the bill.

Roll call on Assembly Bill No. 282:

YEAS—42.

NAYS—None.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 286 authorizes a justice court or municipal court to establish a program for the treatment of veterans and members of the military who are charged with first misdemeanor offenses of battery that constitute domestic violence or driving under the influence of alcohol or drugs. The court must attempt to determine whether a defendant qualifies for the program as soon as possible after the person is arrested or cited.

We do have the support of at least some of the district attorneys on this and we have worked very hard to get this bill into a place where everyone can support it.

Roll call on Assembly Bill No. 286:

YEAS—42.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 292 requires notification of the parents or guardians of a student before any interview of the student is conducted in relation to an investigation of a report of bullying. The

bill also requires a principal or his or her designee to submit a monthly report to the principal's direct supervisor regarding bullying incidents. A similar report must be submitted each quarter by the principal's supervisor to the Office for a Safe and Respectful Learning Environment. Finally, A.B. 292 requires a school district board of trustees to assign a bullied student to another school upon request from the student's parent or guardian. This bill is effective on July 1, 2017.

The notification of the parents or guardians of a pupil that precedes an interview is only to advise the parents or guardians that the pupil will be interviewed.

Roll call on Assembly Bill No. 292:

YEAS—31.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Woodbury—11.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

In the first reprint, the bill requires that an accommodations facilitator who arranges for the rental of transient lodging as defined under county or city ordinances and who collects the charge for the rental must additionally collect and remit the applicable room taxes to the applicable county or city where the rental occurs.

This is enabling language for local governments, and if they decide to pass the ordinance, then it creates uniformity statewide on how the taxes are collected.

Roll call on Assembly Bill No. 294:

YEAS—29.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—13.

Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 297 requires each board of county commissioners to designate at least one sheriff's office, and each city and town to designate at least one police station, as a site at which two or more persons may meet to complete the sale of personal property that was initiated on the Internet. The bill bars any action against a county, a city, a law enforcement agency, or any employee of those entities based on any incident that occurs when two or more persons meet at a designated location to complete such a sale.

Roll call on Assembly Bill No. 297:

YEAS—42.

NAYS—None.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 299 requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study during the 2017-2018 interim concerning standards of training for unlicensed persons who provide care at certain facilities or homes or through certain agencies. In addition, the bill requires the Committee to study the creation of a competency evaluation for a person who receives such training concerning the provision of care.

Roll call on Assembly Bill No. 299:

YEAS—42.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 301 provides, with limited exceptions, that communications made between parties during a peer support counseling session are confidential. The bill creates a testimonial privilege allowing, with limited exceptions, a counselor or participant in a peer support counseling session to refuse to disclose or prevent another party from disclosing any communication made during a peer support counseling session.

Roll call on Assembly Bill No. 301:

YEAS—42.

NAYS—None.

Assembly Bill No. 301 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 304 requires the Autism Treatment Assistance Program within the Aging and Disabilities Services Division of the Department of Health and Human Services to provide and coordinate services for certain individuals who are “diagnosed or determined” to have an autism spectrum disorder. In addition, the measure revises the definition of the term “autism spectrum disorder.”

Roll call on Assembly Bill No. 304:

YEAS—42.

NAYS—None.

Assembly Bill No. 304 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.



Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 307 requires a host organization in Clark and Washoe Counties to obtain a special event permit or approval from the local governmental entity with jurisdiction where the special event is to be held. Before issuing a special event permit or order, the local governmental entity is required to hold a hearing to determine the emergency medical resources that must be made available at the special event and to establish any standards to assist the host organization in complying with the requirements. The special event permit or order issued must specify emergency medical resources that are required to be provided by the host organization and any services that the local governmental entity will provide. In addition, the host organization is required to pay the local governmental entity a reasonable fee for processing and issuing a special event permit or order and for providing certain services specified in the special event permit or order. Finally, the bill establishes additional emergency medical resources that must be provided for certain special events that are expected to attract a certain number of people. The bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 307:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 310 requires the board of county commissioners in certain counties where the salary of a public administrator is not set by law to set and pay the annual compensation of a public administrator for certain costs and expenses. This bill also authorizes such public administrators to retain all fees provided by law.

Roll call on Assembly Bill No. 310:

YEAS—41.

NAYS—Carrillo.

Assembly Bill No. 310 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 312 requires the State Board of Education to develop certain nonbinding recommendations for student-to-teacher ratios for kindergarten through grade 12. A school district board of trustees must consider the recommendations in establishing the student-to-teacher ratio in the district. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 312:

YEAS—39.

NAYS—Marchant, McArthur, Titus—3.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 314 makes various changes to provisions concerning estates and trusts. Among the topics addressed in this bill are the disposition of assets in a trust; expenses of administration of estates; revival of a prior will; probating a lost or destroyed will; no contest clauses in wills or trusts; heir finders; special administrators and personal representatives of estates; timeframes for closing an estate; inventories and appraisals of estates; noncharitable trusts; and my favorite, the rule against perpetuities. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 314:

YEAS—42.

NAYS—None.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 316.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 316 revises provisions governing the services provided to an offender prior to an offender's release from prison. The Director of the Department of Corrections is authorized to provide mediation services to the offender and the offender's supporting family and friends and evidence-based or promising practice reentry programs to certain offenders within three months of the offender's release. Lastly, the measure encourages the Director to work with the Governor's Nevada Community Re-Entry Task Force to align statewide reentry strategies and their implementation.

Thousands of inmates are released from our prison system annually. Assembly Bill 316 provides discharge planning that is necessary so we do not further contribute to our homeless population. It gives inmates resources and options to be successful in reintegrating into our communities and, most importantly, in reducing recidivism. I urge your support of Assembly Bill 316.

Roll call on Assembly Bill No. 316:

YEAS—42.

NAYS—None.

Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Assembly Bill 317 prohibits a person from adopting a fictitious name that imitates or causes another person to reasonably believe the fictitious name is the name of, or a name associated with, a government, governmental agency, political subdivision of a government, federally recognized Indian tribe or nation, or any other governmental entity found within this state, another state, or the United States.

Roll call on Assembly Bill No. 317:

YEAS—42.

NAYS—None.

Assembly Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 319 creates a new chapter in *Nevada Revised Statutes* relating to guardianships of minors and carries over provisions from existing law, but with certain revisions. The measure sets forth the procedures for the appointment of a guardian, the powers and duties of a guardian, and the termination of the guardianship. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 319:

YEAS—42.

NAYS—None.

Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 328 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6:30 p.m.

Motion carried.

Assembly in recess at 4:56 p.m.

#### ASSEMBLY IN SESSION

At 7 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 452, 202, 364, and 50 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 226 and 242 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 452 requires the Legislative Committee on Energy to conduct a study during the 2017-2018 interim concerning energy choice. The study must include consideration of any issue, policy, or requirement identified in Ballot Question No. 3, the Energy Choice Initiative, approved by the voters at the 2016 General Election, and a review of the work of the Governor's Committee on Energy Choice established by the Governor after the voters' approval of the Energy Choice Initiative.

Roll call on Assembly Bill No. 452:

YEAS—41.

NAYS—McArthur.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 202 requires the Legislative Commission to appoint a committee to conduct an interim study concerning the cost and affordability of higher education in Nevada.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—McArthur.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 364 directs Nevada's Department of Transportation, in cooperation with Clark County, the City of Las Vegas, the City of Henderson, and the Regional Transportation

Commission of Southern Nevada, to conduct an interim study concerning traffic and safety on the roads, highways, and freeways in the urban eastern part of Clark County. The bill also requires the Department to submit a report of the findings to the Legislature and the Office of the Governor.

Roll call on Assembly Bill No. 364:

YEAS—41.

NAYS—McArthur.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 50 increases the amount of fines and civil penalties that may be imposed for violations related to community and public water systems. The cap on civil penalties that may be recovered on behalf of Nevada's Division of Environmental Protection [NDEP] is raised from \$5,000 to \$25,000 per day. The cap on administrative fines imposed by NDEP is increased from \$2,500 to \$5,000 per day.

The State Environmental Commission is also authorized to establish regulations for fees necessary to carry out the state's oversight of public water systems and for review of tentative and final subdivision maps by NDEP.

Roll call on Assembly Bill No. 50:

YEAS—31.

NAYS—Bustamante Adams, Edwards, Ellison, Hansen, Krasner, Marchant, McArthur, Neal, Oscarson, Titus, Wheeler—11.

Assembly Bill No. 50 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblymen Fumo and Tolles.

ASSEMBLYMAN FUMO:

Assembly Bill 320 requires that certain pupil achievement data must account for 20 percent of an educator's performance evaluation. Such data must be generated from a school or school district where the employee was employed during the period covered by the evaluation. The bill also requires that a postprobationary teacher or administrator who is evaluated as "highly effective" for two consecutive years receive one evaluation in the next two years. Furthermore, with respect to the statewide performance evaluation system, it replaces the performance designation of "minimally effective" with a designation of "developing." Additionally, it provides for peer observations rather than peer evaluations of teachers. Moreover, it adds a member to the Teachers and Leaders Council of Nevada and prohibits the use of the statewide performance evaluation system to evaluate a district administrator who provides direct supervision of a school principal and who also serves as district superintendent. Lastly, the effective date of this bill is July 1, 2017.

ASSEMBLYWOMAN TOLLES:

I want to thank the sponsors of this bill for the intent of this bill. I voted yes in the work session with the hope that some of the concerns of key stakeholders would be addressed. It is

my understanding that the parties are very close, but without the assurance on the agreed upon version, I am reluctantly voting no. I remain hopeful that we will get a second chance to concur after those changes are addressed on the Senate side because I do agree that there need to be changes to the current system.

Roll call on Assembly Bill No. 320:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 321 authorizes a local government to adopt an ordinance requiring the submission of quarterly reports by an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging.

Roll call on Assembly Bill No. 321:

YEAS—31.

NAYS—Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—11.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 324 amends the provisions governing document preparation services by clarifying the definition of such a service, requiring registration with the Secretary of State. A person who provides document preparation services is prohibited from advertising or representing himself or herself as a paralegal or legal assistant unless they are operating under the direction or supervision of an attorney.

In this building, we often have the conversation about educating the community on how we have a lot of predatory businesses out there. We continuously put in place parameters to protect the community against these predatory businesses, but we did not have a mechanism to go after them because we did not have enough resources at the Secretary of State level. What we are doing now is creating a fund. All the money that is paid into it by document preparation services will automatically and forcefully be used to educate the community and to go after these predatory businesses. Beyond that, we have a lot of people out there in the community advertising themselves as paralegals—they use the word “legal” within the title of their business—but they are not working under the supervision of an attorney, and we are cleaning that up. We are going to get rid of this garbage in the state and hopefully this bill is getting us a step closer to that.

Roll call on Assembly Bill No. 324:

YEAS—41.

NAYS—Titus.

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

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 211 and 34 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 211.

Bill read third time.

The following amendment was proposed by Assemblywoman Jauregui:  
Amendment No. 626.

AN ACT relating to labor; increasing the amount of the administrative penalty that may be imposed by the Labor Commissioner for the violation of certain requirements relating to wages and compensation; authorizing the Labor Commissioner, under certain circumstances, to award money to persons harmed by such a violation; requiring the Labor Commissioner to post on an Internet website the business name and address of an employer that willfully violates certain requirements relating to wages and compensation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes certain requirements and prohibitions concerning the wages and compensation that must be paid to employees. An employer who violates such a requirement or prohibition is guilty of a misdemeanor. In addition to any other penalty or remedy, the Labor Commissioner is authorized to impose an administrative penalty of not more than \$5,000. (NRS 608.005-608.195, 608.250-608.290)

**Sections 1.3 and 1.4** of this bill increase the maximum amount of the administrative penalty the Labor Commissioner may impose from \$5,000 to \$10,000 and authorize the Labor Commissioner to award money to a person who is harmed by a violation of the laws relating to wages and compensation if the Labor Commissioner determines that it is in the best interest of this State to do so. **Sections 1.3 and 1.4** also ~~limit~~ **provide that the person harmed may be awarded an amount of ~~the award to~~ money deemed appropriate to compensate for** the wages and benefits lost as a result of the violation ~~for the amount of the proceeds of~~, **but not to exceed the amount of** the administrative penalty recovered. ~~if, whichever is less.~~ Additionally, **sections 1.3 and 1.4** require the Labor Commissioner to post the business name and address of any employer determined by the Labor Commissioner to have willfully violated the requirements and prohibitions concerning the wages that must be paid to employees on the Labor Commissioner's Internet website.

This bill also requires the Labor Commissioner to post on the Internet website the name and business address of an employer who willfully violates certain labor laws. **Sections 1.3 and 1.4** also authorize the Labor Commissioner to adopt regulations to carry out the provisions of these sections.

**Section 1.1** of this bill requires all money collected by the Labor Commissioner as an administrative penalty imposed pursuant to **sections 1.3 and 1.4** of this bill to be accounted for separately and used only for awards to persons who were harmed by a violation of the laws governing wages and compensation. **Sections 2, 2.3 and 2.5** of this bill make conforming changes to reflect the other changes in the bill. **Section 3** of this bill provides that the provisions of this bill apply to any actions and proceedings brought before a final decision has been rendered in the action or proceeding.

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

**Section 1.** (Deleted by amendment.)

**Sec. 1.1.** NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. All money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund. ***Money collected as an administrative penalty imposed pursuant to section 1.3 or 1.4 of this act must be accounted for separately and used only for awards made by the Labor Commissioner pursuant to sections 1.3 and 1.4 of this act.***

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may



seek a civil remedy, impose an administrative penalty or take other administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

**Sec. 1.2.** Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.4 of this act.

**Sec. 1.3. 1.** *If an employer violates any provision of this section and NRS 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner, in addition to any other remedy or penalty, may impose against the employer an administrative penalty of not more than \$10,000 for each such violation.*

*2. Upon receipt of the proceeds of an administrative penalty imposed pursuant to subsection 1, the Labor Commissioner may, if he or she determines that it is in the best interest of this State, award to a person harmed by the violation for which the administrative penalty was imposed an amount of money ~~[that is equal to the lesser of:~~*

~~*(a) Three times the amount of]*~~ deemed appropriate by the Labor Commissioner to compensate the person for the wages and benefits lost as a result of the violation ~~], or~~

~~*(b) The]*~~, but not to exceed the amount of ~~the proceeds of]~~ the administrative penalty.

*3. If the Labor Commissioner determines that an employer's violation of NRS 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto was willful, the Labor Commissioner shall post the business name and address of the employer on an Internet website maintained by the Labor Commissioner.*

*4. The Labor Commissioner may adopt regulations to carry out the provisions of this section.*

**Sec. 1.4. 1.** *If an employer violates any provision of NRS 608.250 or any regulation adopted pursuant thereto, the Labor Commissioner, in addition to any other remedy or penalty, may impose against the employer an administrative penalty of not more than \$10,000 for each such violation.*

*2. Upon receipt of the proceeds of an administrative penalty imposed pursuant to subsection 1, the Labor Commissioner may, if he or she determines that it is in the best interest of this State, award to a person harmed by the violation for which the administrative penalty was imposed an amount of money ~~[that is equal to the lesser of:~~*

~~(a) Three times the amount of~~ deemed appropriate by the Labor Commissioner to compensate the person for the wages and benefits lost as a result of the violation ~~for~~

~~(b) The~~ , but not to exceed the amount of ~~[the proceeds of]~~ the administrative penalty.

3. *If the Labor Commissioner determines that an employer's violation of NRS 608.250 or any regulation adopted pursuant thereto was willful, the Labor Commissioner shall post the business name and address of the employer on an Internet website maintained by the Labor Commissioner.*

4. *The Labor Commissioner may adopt regulations to carry out the provisions of this section.*

**Sec. 2.** NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, **and section 1.3 of this act** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

**Sec. 2.3.** NRS 608.195 is hereby amended to read as follows:

608.195 ~~[1.]~~ Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, **and section 1.3 of this act** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

~~[2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.]~~

**Sec. 2.5.** NRS 608.290 is hereby amended to read as follows:

608.290 ~~[1.]~~ Any person who violates any provision of NRS 608.250 or any regulation adopted pursuant thereto is guilty of a misdemeanor.

~~[2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.]~~

**Sec. 3.** The provisions of this act apply to any action or proceeding brought pursuant to chapter 608 of NRS in which a final decision has not been rendered before, on or after July 1, 2017.

**Sec. 4.** This act becomes effective on July 1, 2017.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 34.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 627.

AN ACT relating to government land; reducing the number of independent appraisals of state land required before such land may be offered for sale or lease; revising certain restrictions on the performance of an appraisal of certain government land by an appraiser; revising provisions relating to the Revolving Account for Land Management; removing an exemption from procedural requirements for the sale or lease of state land for a lease of residential property with a term of 1 year or less; revising provisions relating to the requirement that the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources develop and make certain information useful to land use planning available to cities and counties; ~~revising provisions relating to the lease of state land for less than fair market value to certain persons who intend to locate or expand a business in this State;~~ repealing obsolete provisions regarding the Lincoln County Pilot Land Development and Disposal Law; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Division of State Lands of the State Department of Conservation and Natural Resources must acquire and hold in the name of the State all land and interests in land owned or required by the State, with certain exceptions. (NRS 321.001) The Administrator of the Division is, ex officio, the State Land Registrar. (NRS 321.010)

Existing law requires, with certain exceptions, the State Land Registrar to obtain two independent appraisals of any state land before offering the land for sale or lease. (NRS 321.007) **Section 1** of this bill decreases to one the number of independent appraisals that the State Land Registrar is required to obtain before offering state land for sale or lease.

Existing law also prohibits an appraiser from appraising state land if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property. **Section 1** expands the prohibited degree of consanguinity or affinity of the appraiser's relative to the third degree of consanguinity or affinity.

Existing law creates the Revolving Account for Land Management as a special account in the State General Fund. Money in the Account must be used to pay the expenses relating to the management of land held by the Division of State Lands, including, without limitation, expenses for appraisals and surveys, construction of fences and barriers for vehicles and the cleanup and maintenance of the land. (NRS 321.067) **Section 2** of this bill authorizes money in the Account also to be used to pay expenses relating to the acquisition of or interests in land. **Section 2** also provides that the expenses for which money in the Account may be used may include land surveys, required assessments of the land, including surveys of the

biological, environmental and cultural conditions and resources of the land, and any required mitigation of the land.

Existing law authorizes the State Land Registrar to request an allocation to the Revolving Account from the Contingency Account in the State General Fund if the balance in the Revolving Account is below \$5,000. **Section 2** of this bill raises that amount to \$20,000.

Existing law provides procedural requirements for the sale or lease of state land and exempts from those requirements any lease of residential property with a term of 1 year or less. (NRS 321.335) **Section 3** of this bill removes that exemption.

Existing law requires the Administrator of the Division of State Lands to: (1) administer the activities of the State Land Use Planning Agency; and (2) develop and distribute information that is useful to land use planning. Existing law also gives priority to the activities of the State Land Use Planning Agency in the provision of technical assistance in areas of this State where such assistance is requested. (NRS 321.710) **Section 3.5** of this bill limits the entities to which priority in the provision of technical assistance must be given to counties and cities.

Existing law requires the Administrator of the Division of State Lands to develop and make available to cities and counties certain specified information useful to land use planning. (NRS 321.720) **Section 4** of this bill removes the requirement that the Administrator develop and make available to cities and counties: (1) statewide data relating to population densities and trends, economic and environmental characteristics and trends, and directions and extent of urban and rural growth; (2) projections of the nature and quantity of land needed and suitable for various purposes; and (3) a continuously revised inventory of the environmental, geological and physical conditions which influence the desirability of various uses of land. **Section 4** also requires the Administrator, to the extent practicable, to compile the information developed and make the compilation available to counties and cities.

~~Existing law authorizes, if certain requirements are fulfilled, the lease of state land for less than the fair market value of the land for the first year of the lease if the lessee intends to locate or expand a business in this State. (NRS 322.061) Section 5 of this bill removes a number of the requirements that must be fulfilled, including requirements relating to the number of employees of the business, the capital investment in this State by the business, the average hourly wage paid by the business to employees in this State and the benefits provided by the business.]~~

Existing law prohibits an appraiser who appraises any real property that is offered for sale or lease by a board of county commissioners or the governing body of an incorporated city from conducting the appraisal if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property. (NRS 244.2795, 268.059) **Sections 6 and 7** of this bill expand the prohibited

degree of consanguinity or affinity of the person from the first degree of consanguinity or affinity to the third degree of consanguinity or affinity and, in certain circumstances, the second degree of consanguinity or affinity.

**Section 9** of this bill repeals obsolete provisions relating to the Lincoln County Pilot Land Development and Disposal Law. (NRS 321.540-321.590)

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

**Section 1.** NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 322.061, 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) ~~Except as otherwise provided in this paragraph, obtain two~~ **Obtain an** independent ~~[appraisals]~~ **appraisal** of the land before selling or leasing it. ~~[If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it.]~~ The appraisal ~~for appraisals, as applicable,~~ must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select ~~[the one]~~ **an** independent appraiser ~~for two independent appraisers, as applicable,~~ from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of ~~each~~ **an** appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to

the appraiser within the ~~first~~ **third** degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

**Sec. 2.** NRS 321.067 is hereby amended to read as follows:

321.067 1. The Revolving Account for Land Management is hereby created as a special account in the State General Fund.

2. The State Land Registrar shall use the money in the **Revolving** Account to pay the expenses related to the management of land held by the Division ~~and~~ **and the acquisition of or interests in land**, including, without limitation, expenses for:

(a) Appraisals and **land** surveys;

(b) **Required environmental assessments of the land, including, without limitation, surveys of the biological, environmental and cultural conditions and resources of the land;**

(c) Construction of fences and barriers for vehicles; ~~and~~

~~(e)~~ (d) The cleanup and maintenance of the land ~~and~~; **and**

(e) **Any mitigation required of the land.**

3. The State Land Registrar shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

4. The State Land Registrar shall deposit into the Revolving Account money received by the Division as a donation or as a reimbursement for or advance payment of an expense paid out of the Revolving Account.

5. The balance of the Revolving Account must be carried forward at the end of each fiscal year.

6. If the balance in the account is below ~~[\$5,000]~~ **\$20,000**, the State Land Registrar may request an allocation from the Contingency Account in the State General Fund pursuant to NRS 353.266, 353.268 and 353.269.

**Sec. 3.** NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.008, 321.125, 322.061, 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, ~~for a lease of residential property with a term of 1 year or~~

less.] after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold or leased;
- (b) A statement of the terms of sale or lease;
- (c) A statement that the land will be sold pursuant to subsection 6; and
- (d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.
- (c) On lands which it may be more beneficial for the State to reserve.
- (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must ~~[, as applicable,]~~ obtain a new appraisal ~~[for new appraisals]~~ of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

**Sec. 3.5.** NRS 321.710 is hereby amended to read as follows:

321.710 1. The Administrator shall administer the activities of the State Land Use Planning Agency. The Administrator has authority and responsibility for the development and distribution of information useful to land use planning.



2. The activities of the State Land Use Planning Agency which have priority are:

- (a) Provision of technical assistance *to a county or city* in areas where such assistance is requested;
- (b) Activities relating to federal lands in this State; and
- (c) Investigation and review of proposals for designation of areas of critical environmental concern and the development of standards and plans therefor.

3. In addition to the assistant provided by subsection 3 of NRS 321.010 the Administrator may appoint, subject to the availability of money, such professional, technical, administrative, clerical and other persons as the Administrator may require for assistance in performing his or her land use planning duties.

**Sec. 4.** NRS 321.720 is hereby amended to read as follows:

321.720 **I.** The Administrator shall develop and make available to cities and counties information useful to land use planning, including:

~~{1.}~~ (a) Preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

~~{2.} Compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;~~

~~—3. Projections of the nature and quantity of land needed and suitable for:~~

~~—(a) Recreation and esthetic appreciation;~~

~~—(b) Conservation and preservation of natural resources, agriculture, mineral development and forestry;~~

~~—(c) Industry and commerce, including the development, generation and transmission of energy;~~

~~—(d) Transportation;~~

~~—(e) Urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base;~~

~~—(f) Rural development, taking into consideration future demands for and limitations upon products of the land; and~~

~~—(g) Health, educational, and other state and local governmental services;~~

~~4. Preparation and continuing revision of an inventory of environmental, geological and physical conditions, including types of soil, which influence the desirability of various uses of land;~~

~~—5.}~~ (b) Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the acquisition and use of federal lands within the State;

~~{6.}~~ (c) Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning

and management within the State and of state and local programs and activities which have a land use impact of more than local concern;

~~{7.}~~ (d) Provision, where appropriate, of technical assistance and training programs for state and local agency personnel concerned with the development and implementation of state and local land use programs;

~~{8.}~~ (e) Coordination and exchange of land use planning information and data among state agencies and local governments, with the Federal Government, among the several states and interstate agencies, and with members of the public, including conducting of public hearings, preparation of reports and soliciting of comments on reports concerning information useful to land use planning;

~~{9.}~~ (f) Coordination of planning for state and local acquisition and use of federal lands within the State, except that in the case of a plan which utilizes both federal and private lands the governing body of the area where private lands are to be utilized has final authority to approve the proposal;

~~{10.}~~ (g) Provision of assistance to counties to develop programs to increase the responsibility of local governments for the management of lands in the State of Nevada that are under federal management; and

~~{11.}~~ (h) Consideration of, and consultation with, the relevant states on the interstate aspects of land use issues of more than local concern.

**2. To the extent practicable, the Administrator shall:**

**(a) Compile any information developed pursuant to subsection 1; and**

**(b) Make the compilation available to cities and counties.**

Sec. 5. ~~{NRS 322.061 is hereby amended to read as follows:~~

~~322.061 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if [except as otherwise provided in subsection 5,] the business meets the requirements of subsection 4.~~

~~2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:~~

~~(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar;~~

~~(b) The Administrator of the State Public Works Division of the Department of Administration; and~~

~~(c) The Executive Director of the Office of Economic Development.~~

~~3. Any lease entered into pursuant to this section must be for a term of at least 10 years.~~

~~4. [Except as otherwise provided in subsection 5, the] The lease or agreement may not include a discount to the business for the first year unless:~~

~~(a) The business is consistent with:~~

~~— (1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and~~

~~— (2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.~~

~~— (b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.~~

~~— [(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:~~

~~— (1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~— (2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.~~

~~— (3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~— (I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~— (II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~— (d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:~~

~~— (1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~— (2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.~~

~~— (3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~— (I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~— (II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~— (e) If the business is an existing business, the business meets at least two of the following requirements:~~

~~— (1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.~~

~~— (2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:~~

~~— (I) County assessor of the county in which the business will expand, if the business is locally assessed; or~~

~~— (II) The Department of Taxation, if the business is centrally assessed.~~

~~— (3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~— (I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~— (II) The benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~— (f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~— (1) The business will have 10 or more full time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~— (2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.~~

~~— (3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~— (I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~— (II) The benefits the business provides to its employees in this State will meet with minimum requirements established by the Office.~~

~~— 5. The Executive Director of the Office of Economic Development may waive the requirements of subsection 4 for good cause shown if the lease is for state land of less than 25,000 square feet.]] (Deleted by amendment.)~~

**Sec. 6.** NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if ~~the~~ :

(a) ~~The appraiser for a person related to the appraiser within the first degree of consanguinity or affinity~~ has an interest in the real property or an adjoining property ~~};~~ ;

*(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or*

*(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.*

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

**Sec. 7.** NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

- (a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and
- (b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if ~~the~~ :

(a) ~~The appraiser [or a person related to the appraiser within the first degree of consanguinity or affinity]~~ has an interest in the real property or an adjoining property ~~[-]~~;

(b) *The real property is located in a city in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or*

(c) *The real property is located in a city in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.*

5. If real property is sold or leased in violation of the provisions of this section:

- (a) The sale or lease is void; and
- (b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

**Sec. 8.** The amendatory provisions of NRS 244.2795, 268.059 and 321.007, as amended by sections 6, 7 and 1, respectively, of this act do not apply to an appraisal specified in those sections which is conducted before July 1, 2017.

**Sec. 9.** NRS 321.540, 321.550, 321.560, 321.570, 321.580 and 321.590 are hereby repealed.

**Sec. 10.** This act becomes effective on July 1, 2017.

#### LEADLINES OF REPEALED SECTIONS

**321.540** Short title.

**321.550** "Department" defined.

**321.560** Acquisition of lands by State Department of Conservation and Natural Resources authorized.

**321.570 Powers of State Department of Conservation and Natural Resources concerning development of Lincoln County lands; sale of lands.**

**321.580 Lincoln County Pilot Land Development and Disposal Fund: Creation; use.**

**321.590 Lincoln County Pilot Land Development and Disposal Fund: Receipts to be credited; reimbursement of State General Fund.**

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 334, with exceptions, prohibits a driver on a controlled-access highway with two or more lanes for traffic traveling in the same direction to continue to operate a motor vehicle in the extreme left lane if the driver is traveling below the posted speed limits. Exceptions: a vehicle in the left lane for the purpose of overtaking another vehicle preparing for a left turn; a vehicle lawfully operating in a lane designated for a high-occupancy vehicle; a vehicle engaged in the construction—weather, obstruction, hazard, or compliance with official traffic control devices; an authorized emergency vehicle in the course of an officer's duties; a vehicle within the limits of a city or township.

Roll call on Assembly Bill No. 334:

YEAS—35.

NAYS—Fumo, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Yeager—7.

Assembly Bill No. 334 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 335 requires, with exceptions, that a person driving a moped travel in the extreme right-hand lane unless making a left-hand turn.

Roll call on Assembly Bill No. 335:

YEAS—42.

NAYS—None.

Assembly Bill No. 335 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblyman Marchant.



## ASSEMBLYMAN MARCHANT:

Assembly Bill 339 makes changes to certain requirements of the Board of Medical Examiners and the professionals it regulates. The bill authorizes the Board to take possession of a licensee's records in the event of the death, disability, incarceration, or other incapacitation leaving the licensee unable to continue to practice.

The bill requires the Board to adopt policies and procedures relating to the placement of information on its website and clarifies that each applicant for a license must submit a complete set of fingerprints to the Board. Finally, A.B. 339 revises certain requirements related to the reporting of sentinel events arising from certain surgeries. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 339:

YEAS—42.

NAYS—None.

Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblyman Sprinkle.

## ASSEMBLYMAN SPRINKLE:

Assembly Bill 340 requires the Director of the Department of Health and Human Services to appoint a committee to research opportunities to increase the availability of diapers and diapering supplies to certain recipients of public assistance and low-income families. The committee is required to submit a report of the results of such research and certain recommendations to the Legislature.

Roll call on Assembly Bill No. 340:

YEAS—41.

NAYS—Krasner.

Assembly Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

## ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 341 authorizes an attorney who represents a child in a juvenile proceeding to consult and seek appointment from a social worker, a mental health professional, an educator, or any other expert the attorney deems appropriate. In addition, this measure urges the Nevada Supreme Court to adopt rules for attorneys who represent juveniles to ensure effective assistance of counsel in proceedings. These rules may include, but are not limited to, minimum requirements for courses, programs, and continuing legal education in order to provide effective representation of juveniles; standards for professional conduct specific to juvenile justice; and minimum requirements for attorneys who represent juveniles and are employed by the Office of the State Public Defender.

Two thousand seventeen marks the fiftieth anniversary of the United States Supreme Court's decision *In re Gault*. As most of us know, a young man named Gerald Gault was accused of making obscene phone calls to a neighbor's house. His parents came home and he was gone; they did not know where he was. They had to search around and found out he was in a juvenile detention facility. There were no transcripts of his hearing, no attorney. The United States

Supreme Court *In re Gault* ruled that children have the same constitutional rights as an adult would have when there is a chance of deprivation of their liberty. This bill is meant to recognize that fiftieth anniversary of *In re Gault* and to try to seek to provide further protections of juveniles who find themselves in that situation here in our state.

Roll call on Assembly Bill No. 341:

YEAS—42.

NAYS—None.

Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 347 prohibits a hospital, independent center for emergency care, psychiatric hospital, or surgical center for ambulatory patients from employing a person as a surgical technologist who is not a certified surgical technologist or does not meet certain other qualifications or exemptions.

Roll call on Assembly Bill No. 347:

YEAS—42.

NAYS—None.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblymen Fumo, Edwards, and Carlton.

ASSEMBLYMAN FUMO:

Assembly Bill 350 requires employers within the executive department of state government to provide an in-person orientation to a new employee during the employee's regular work hours within 30 days after the employee's date of hire or within a reasonable time thereafter. Additionally, the bill requires an employing state agency to allow an employee organization that has at least 100 paying members to give a presentation of at least 30 minutes during the orientation. Finally, the bill requires an employing state agency to provide such an employee organization with certain information concerning a newly hired employee and to allow such an employee organization to meet with an employee who is unable to attend the employee orientation within the required time. This bill is effective on July 1, 2017.

ASSEMBLYMAN EDWARDS:

I rise today in opposition to Assembly Bill 350 for a simple reason. This legislation permits an existing public employee union to pitch employees on the perks of joining the union, all on the taxpayer's dime. These types of activities should not be done on the people's time. We in the Legislature should not promote the misuse of our employees' work hours like this. I urge all my colleagues to vote no.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 350. To my colleague from Mesquite, in reference to pitching something on the taxpayer's dime, there are numerous times when for-profit businesses come in to an employees' hall, and they pitch health insurance, care insurance, all different types

of things. So if we are going to allow for-profit businesses to come in and pitch their business to employees, I believe the employees have the right to hear from someone who might actually represent their interests.

Roll call on Assembly Bill No. 350:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 356 Assembly Bill 356 authorizes a prosecuting attorney or an attorney for a defendant to issue subpoenas for an evidentiary hearing. In addition, the measure provides that the production of books, papers, documents, or other objects designated in a subpoena may be utilized as an alternative to an actual appearance before the court. Finally, the measure clarifies that when either party presents to the court any written charges for the jury, the court must provide the charge to the jury if it is determined to be both pertinent and an accurate statement of the law. This measure is effective on July 1, 2017.

Roll call on Assembly Bill No. 356:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, Titus, Wheeler—5.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 359 exempts from licensure and regulation as a contractor a nonprofit entity that enters into a contract with the state of Nevada or any political corporation or subdivision of this state to facilitate the repair or maintenance of a property. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 359:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—14.

Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblyman Carrillo.

## ASSEMBLYMAN CARRILLO:

Assembly Bill 361 specifies that a person commits a deceptive trade practice if in the course of his or her business or occupation the person charges a fee to update or change a person's records, including billing or credit information. Additionally, A.B. 361 specifies that gift certificates or gift cards issued as part of a promotion must conform to certain requirements related to the expiration date and may not expire less than 90 days after the promotional offer is made. This bill is effective on July 1, 2017.

## Roll call on Assembly Bill No. 361:

YEAS—42.

NAYS—None.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Cohen.

## ASSEMBLYWOMAN COHEN:

Assembly Bill 365 grants marriage officiants the authorization and responsibility to perform a marriage. A marriage officiant is defined as a person other than a minister, other church or religious official authorized to solemnize a marriage, or notary public who obtains a certificate of permission to perform marriages. A county clerk is prohibited from authorizing a marriage officiant to solemnize a marriage until the applicant who desires to be a marriage officiant successfully completes a course established by the clerk as provided for in this bill. A county clerk is authorized to establish a program to provide a couple who renew their marriage vows a certificate of vow renewal. The civil penalty is revised for performing marriages that are not authorized by law.

## Roll call on Assembly Bill No. 365:

YEAS—41.

NAYS—Titus.

Assembly Bill No. 365 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblyman Sprinkle.

## ASSEMBLYMAN SPRINKLE:

Assembly Bill 375 authorizes the governing body of a flood management authority, under certain specified circumstances, to adopt a resolution establishing a flood control project needs committee to recommend an imposition of one or more taxes to fund the flood management projects of the flood management authority. If such a committee is established and submits its recommendations to the board of county commissioners no later than April 2, 2018, the board of county commissioners is required to submit a ballot question to the voters at the November 2018 General Election seeking approval of the tax or taxes recommended.

## Roll call on Assembly Bill No. 375:

YEAS—39.

NAYS—Marchant, McArthur, Titus—3.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 376 requires a criminal complaint to be filed within 72 hours after a person is arrested without an arrest warrant. The measure authorizes 48-hour extensions that could be granted by the magistrate, but only for good cause shown.

During the hearing in front of your Judiciary Committee, there were examples of persons who were arrested on low-level charges and a complaint had not been filed, sometimes for over a week, sometimes longer. This bill will go a long way to remedy that and to make sure that if a charge is going to be filed, it is going to be filed promptly. Prior to this, the definition in statute was “forthwith” and even though forthwith seems very quick to me, it was not always quick in practice.

I do want to thank the Chairman of your Judiciary Committee because he did get everybody together in The Wood Shed and worked out a compromise that was agreeable to all sides.

Roll call on Assembly Bill No. 376:

YEAS—42.

NAYS—None.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 377 prohibits a prosecuting attorney from seeking an indictment of a defendant for any offense while competency proceedings are pending except upon application to the chief judge of the district court and with leave of the court. The prosecuting attorney must demonstrate that adequate cause exists for the court to grant leave to seek an indictment. The prosecuting attorney must give notice of an application to the attorney for the defendant at least 24 hours before the hearing on the application.

The measure also provides for the refiling of charges in cases where the prosecuting attorney applied for and was granted leave of the court and where the state has a good faith belief that the defendant has regained competency and a compelling interest in bringing charges again and the period for commencing the criminal action has not lapsed. Finally, the prosecuting attorney is required to give at least 24 hours' notice of the application to the defendant's attorney.

Roll call on Assembly Bill No. 377:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—14.

Assembly Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 379 authorizes, under certain circumstances, the governing body of a local government to create a parks, trails, and open space district.

Roll call on Assembly Bill No. 379:

YEAS—34.

NAYS—Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

Assembly Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 380 allows an owner of real property to record a notice in the office of any county recorder providing that any use of the owner's real property is with the permission of and subject to the control of the owner. An owner of land may post certain notice stating that the right to pass over such land is by permission and subject to the control of the owner. In addition, the measure prohibits a person from maintaining an action constituting an easement by prescription, regardless of whether the owner posts certain notice on the property or records a notice. Lastly, a governing body of a city or county is authorized to adopt ordinances governing a sign posted by an owner of land under certain circumstances.

Roll call on Assembly Bill No. 380:

YEAS—30.

NAYS—Bilbray-Axelrod, Daly, Ellison, Hansen, Krasner, Marchant, McArthur, Miller, Ohrenschall, Titus, Watkins, Wheeler—12.

Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 381 prohibits certain health insurers from moving a prescription drug from a lower cost tier to a higher cost tier within their formulary under certain circumstances. The bill provides that for individual plans, a drug may be moved from a lower tier to a higher tier on January 1 of a calendar year, and for small employer plans, on January 1 and July 1 of a calendar year with certain exceptions. Such an insurer may add or remove a drug from a formulary at any time.

Roll call on Assembly Bill No. 381:

YEAS—38.

NAYS—Hambrick, Krasner, McArthur, Titus—4.

Assembly Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 384 provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in a state agency or local government may be considered only after an appointing authority has made a conditional offer of employment. The bill also sets forth specific factors that must be considered by an appointing authority or the administrator before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or for rejection of the applicant. Additionally, if an appointing authority rejects an applicant based on his or her criminal history, the appointing authority must provide a written statement specifying the reason for the rejection.

Assembly Bill 384 is our opportunity to get on the map to truly be a state that allows fair chances and second chances for people. This is also known nationally as Ban the Box. I do want to clarify some things that some of my colleagues have come to me and asked. Is this just a re-entry bill for people that are immediately coming out of our prison system? That is part of it. I want to share with you that we all have people in our communities that have made bad choices at a younger age, and they are adults with families and they need to provide for their families just like anyone else. Good, bad, or indifferent, they did some bad things in the past, but they have rehabilitated themselves and they are looking to do better. This is going to be an opportunity for them to fairly compete for a job in state, county, or city government and be able to get good benefits for their families. I would truly urge your support to help us Ban the Box in the state of Nevada.

Roll call on Assembly Bill No. 384:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 390 prohibits a state agency from taking any retaliatory, threatening, or intimidating action against a state officer or employee who communicates or seeks to communicate with the Legislature or a legislator to disclose that false information was disseminated by or on behalf of the employer or disclose evidence of illegal activity of the employer.

The bill also creates the Spending and Government Efficiency Commission for the Nevada System of Higher Education.

Roll call on Assembly Bill No. 390:

YEAS—42.

NAYS—None.

Assembly Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblymen Carrillo and Elliot Anderson.

ASSEMBLYMAN CARRILLO:

Assembly Bill 391 creates the crime of bestiality punishable as a gross misdemeanor or a category D felony, depending upon the circumstances. The bill defines the elements of the crime, requires relinquishment of the animal, and prohibits a person convicted of bestiality from owning, residing, or working in a location where animals are present. The court may also require persons convicted of the crime to undergo psychiatric counseling at their expense and payment of any costs associated with care or maintenance of an animal involved in the crime. Finally the bill defines “sexual conduct” and excludes veterinary medical procedures, animal husbandry practices, or similar activities from the definition.

This bill is effective on October 1, 2017.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise under Order of Business 12 to ask the sponsor a question. To my colleague from District 18, I had some concerns about the rule of lenity in criminal law. If you are not aware of that, it is basically the tie-goes-to-the-runner provision of criminal law. We need to ensure that the statutory language is very clear and understandable so that this law is enforced. Could you just help me understand exactly what conduct is covered, and specifically in section 1, subsection 5(a), the definition of an “animal”? It says any living thing. Does that include the other kingdoms such as plants, fungi, protista, and monera?

ASSEMBLYMAN CARRILLO:

To my colleague from Assembly District 15, that is no.

ASSEMBLYMAN ELLIOT ANDERSON:

I just think we should hold our horses a bit, Mr. Speaker. I appreciate the follow-up.

I think the record should reflect that our colleague weaseled out of that question that I just asked. I think it is very important to have a clear record. The legal world is a dog-eat-dog world, and constituent letters in support have rained in like cats and dogs. We need to make sure that attorneys do not engage in any monkey business with this law that we are proposing. We need to grab the bull by the horns rather than wing it to ensure that the citizens of Nevada do not have a cow, man.

Roll call on Assembly Bill No. 391:

YEAS—42.

NAYS—None.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 392 revises provisions relating to communications published in support of or in opposition to a candidate in an election. If a communication includes the name and address or other official contact information of a governmental entity, the communication must disclose



that it was not endorsed by and is not an official publication of the state of Nevada or a political subdivision, as applicable. A governmental entity includes the state of Nevada or any agency, board, commission, or similar entity, as well as a public officer of the state or a political subdivision. The official name and address or other official contact information of a governmental entity is defined. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 392:

YEAS—39.

NAYS—Daly, Hansen, McArthur—3.

Assembly Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 393 sets forth legislative findings relating to proposed changes in zoning and hillside development standards on the undeveloped lands adjacent to the Sunrise and Frenchman Mountains in Clark County. The bill declares that it is consistent with the Legislature's intent that the Clark County Board of Commissioners strengthen, as necessary in order to promote responsible development and preserve important natural resources, the existing zoning and hillside development standards on the undeveloped desert lands adjacent to the western faces of Sunrise and Frenchman Mountains.

For those of us who come from southern Nevada, I think we realize what a treasure Sunrise and Frenchman Mountains are. It is natural desert landscape very close to the city and to urban areas. There are opportunities for hiking and camping up there. There is a geological treasure there called the Frenchman Mountain Great Unconformity, which is one of the few places in the world you can see billions of years of geologic age there. Development is an issue there. This aims to try to urge the Clark County Board of Commissioners that development needs to be done responsibly to try to preserve that natural treasure we have. For those not from Clark County, I urge you to try to visit Sunrise Mountain and Frenchman Mountain when you get a chance. It is a treasure and the area touches a lot of different Assembly and Senate districts, and I urge its passage.

Roll call on Assembly Bill No. 393:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Watkins, Wheeler, Woodbury—16.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 163 be taken from its position on the General File and be placed at the top of the General File.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 163.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 628.

AN ACT relating to financial services; requiring a person who is licensed to operate certain loan services to verify a customer's ability to repay the loan before making certain short-term loans to the customer; requiring a person who makes a deferred deposit loan to offer an extended payment plan under certain circumstances; revising provisions governing defaults, lengths of term and grace periods relating to certain short-term loans; requiring certain notices to be posted by a person who is licensed to operate certain loan services; revising the requirements for making a title loan; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes standards and procedures governing the making of certain short-term loans, commonly referred to as "payday loans," "high-interest loans" and "title loans." (Chapter 604A of NRS) **Section 1.3** of this bill: (1) prohibits a person from making such a loan unless the person has determined that the customer has the ability to repay the loan; and (2) establishes the factors that the person making the loan must consider when determining whether a customer has the ability to repay the loan. **Section 1.3 also requires that the loan comply with the statutory requirements applicable to the type of loan involved.** **Section 1.7** of this bill requires a person who makes a deferred deposit loan to offer an extended payment plan to the customer under certain circumstances.

Existing law allows for a person making a payday loan, high-interest loan or title loan to offer the customer a grace period concerning repayment of the loan. (NRS 604A.210) **Section 3** of this bill distinguishes a grace period from an extension of a loan ~~that~~ **that complies with certain statutory requirements.** **Section 4** of this bill prohibits a person making the loan from granting a grace period for the purpose of artificially increasing the amount a customer qualifies to borrow ~~that~~ **, or, with certain exceptions, from conditioning the grace period on the customer's agreement to a new loan or a modification of the terms of the existing loan or the charging of interest at a rate in excess of that provided by the existing loan agreement.**

Existing law requires a person making a payday loan, high-interest loan or title loan to post certain notices in a conspicuous place in every location at which the person conducts business. (NRS 604A.405) **Section 5** of this bill provides that the person must post a notice of the existing requirement that the person must offer a repayment plan to a customer who defaults on a loan before the person commences specified collection actions. **Section 5** also provides that the person must post a notice that states the process for

customers to file a complaint with the Office of the Commissioner of Financial Institutions.

Existing law sets forth certain restrictions on the actions of a person licensed to operate certain loan services. (NRS 604A.440) **Section 6** of this bill adds to those restrictions a limitation on the reinitiation of electronic debit transactions.

Existing law provides restrictions on the making of title loans. (NRS 604A.450) **Section 7** of this bill adds to those restrictions by specifying that the customer must legally own the vehicle which secures the loan and that the person making the loan cannot consider the income, except for the customer's community income, of anyone who is not a legal owner of the vehicle who enters into a loan agreement with the licensee when determining whether the customer has the ability to repay the loan.

**Section 8** of this bill makes conforming changes.

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

**Section 1.** Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

**Sec. 1.3. 1.** *A licensee shall not make a loan pursuant to this chapter unless the licensee determines pursuant to subsection 2 that the customer has the ability to repay the loan ~~and~~ and that the loan complies with the provisions of NRS 604A.425, 604A.450 or subsection 2 of NRS 604A.480, as applicable.*

*2. For the purposes of subsection 1, a customer has the ability to repay a loan if the customer has a reasonable ability to repay the loan, as determined by the licensee after considering the following underwriting factors:*

- (a) The current or reasonably expected income of the customer;*
- (b) The current employment status of the customer based on evidence including, without limitation, a pay stub or bank deposit;*
- (c) The credit history of the customer;*
- (d) The amount due under the original term of the loan, the monthly payment on the loan, if the loan is an installment loan, or the potential repayment plan if the customer defaults on the loan; and*
- (e) Other evidence, including, without limitation, bank statements, electronic bank statements and written representations to the licensee.*

*3. For the purposes of subsection 1, a licensee shall not consider the ability of any person other than the customer to repay the loan.*

**Sec. 1.7. 1.** *A licensee shall allow a customer with an outstanding deferred deposit loan to enter into an extended payment plan if the customer:*

- (a) Has not entered into an extended payment plan for the ~~original~~ deferred deposit loan during the immediately preceding 12-month period; and*

*(b) Requests an extended repayment plan before the time the ~~original~~ deferred deposit loan is due.*

*2. An extended payment plan entered into pursuant to subsection 1 must:*

*(a) Be in writing and be signed by the licensee and customer; and*

*(b) Provide a payment schedule of at least four payments over a period of at least 60 days.*

*3. An extended payment plan entered into pursuant to subsection 1 must not:*

*(a) Increase or decrease the amount owed under the ~~original~~ deferred deposit loan.*

*(b) Include any interest or fees in addition to those charged under the terms of the ~~original~~ deferred deposit loan.*

*4. If a customer defaults under an extended payment plan entered into pursuant to this section, the licensee may terminate the extended payment plan and accelerate the requirement to pay the amount owed.*

**Sec. 2.** NRS 604A.045 is hereby amended to read as follows:

604A.045 1. “Default” means the failure of a customer to:

(a) Make a scheduled payment on a loan on or before the due date for the payment under the terms of a lawful loan agreement that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable, and any grace period that complies with the provisions of NRS 604A.210 ; ~~for under the terms of any lawful extension or repayment plan relating to the loan. and any grace period that complies with the provisions of NRS 604A.210;~~ or

(b) Pay a loan in full on or before ~~;~~

~~—(1) The~~ the expiration of the ~~initial~~ loan period as set forth in a lawful loan agreement that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable, and any grace period that complies with the provisions of NRS 604A.210 . ~~;~~ ~~or~~

~~—(2) The due date of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of NRS 604A.210, provided that the due date of the extension or repayment plan does not violate the provisions of this chapter.~~

2. A default occurs on the day immediately following the date of the customer’s failure to perform as described in subsection 1.

**Sec. 3.** NRS 604A.070 is hereby amended to read as follows:

604A.070 1. “Grace period” means any period of deferment offered gratuitously by a licensee to a customer if the licensee complies with the provisions of NRS 604A.210.

2. The term does not include an extension of a loan ~~that~~ that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable.

**Sec. 3.5.** NRS 604A.0703 is hereby amended to read as follows:

604A.0703 1. "High-interest loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.

2. The term includes, without limitation, any single-payment loan, installment loan, ~~for~~ open-ended loan *or contract for the lease of an animal for a purpose other than a business, commercial or agricultural purpose* which, under ~~fits~~ *the* original terms ~~of~~ *of the loan or contract*, charges an annual percentage rate of more than 40 percent.

3. The term does not include:

- (a) A deferred deposit loan;
- (b) A refund anticipation loan; or
- (c) A title loan.

**Sec. 4.** NRS 604A.210 is hereby amended to read as follows:

604A.210 The provisions of this chapter do not prohibit a licensee from offering a customer a grace period on the repayment of a loan or an extension of a loan, except that the licensee shall not ~~charge the customer:~~

- ~~1. Any fees for granting such a grace period; or~~
- ~~2. Any additional fees or additional interest on the outstanding loan during such a grace period.~~ ~~grant~~ :

1. Except for a loan agreement governed by NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480:

(a) Condition the granting of the grace period on the customer making any new loan agreement or adding any addendum or term to an existing loan agreement; or

(b) Charge the customer interest at a rate in excess of that described in the existing loan agreement; or

2. Grant a grace period for the purpose of artificially increasing the amount which a customer would otherwise qualify to borrow.

**Sec. 5.** NRS 604A.405 is hereby amended to read as follows:

604A.405 1. A licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license:

(a) A notice that states the fees the licensee charges for providing check-cashing services, deferred deposit loan services, high-interest loan services or title loan services.

(b) *A notice that states that if the customer defaults on a loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or repossesses a vehicle.*

(c) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

(d) *A notice that states the process for filing a complaint with the Commissioner.*

↪ The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except for an automated loan machine prohibited by NRS 604A.400, the licensee shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he or she charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he or she charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

**Sec. 5.5.** NRS 604A.408 is hereby amended to read as follows:

604A.408 1. Except as otherwise provided in this chapter, the original term of a deferred deposit loan or high-interest loan must not exceed 35 days.

2. The original term of a high-interest loan may be up to 90 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; ~~and~~

(d) The loan does not require a balloon payment of any kind ~~[-]~~; *and*

(e) *The loan is not a deferred deposit loan.*

3. Notwithstanding the provisions of NRS 604A.480, a licensee shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan or high-interest loan for a period that exceeds 90 days after the date of origination of the loan.

**Sec. 6.** NRS 604A.440 is hereby amended to read as follows:

604A.440 A licensee shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a loan made to a customer.

2. Commence a civil action or any process of alternative dispute resolution or repossess a vehicle before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan ~~[-]~~ *or* extension ~~[-]~~ ~~or grace period~~ negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

- (a) A promise by the customer to hold the licensee harmless;
- (b) A confession of judgment by the customer;
- (c) An assignment or order for the payment of wages or other compensation due the customer; or
- (d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans.

7. ***Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.***

8. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

**Sec. 6.5.** NRS 604A.445 is hereby amended to read as follows:

604A.445 Notwithstanding any other provision of this chapter to the contrary:

- 1. The original term of a title loan must not exceed 30 days.
- 2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:
  - (a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;
  - (b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and
  - (c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.

3. The original term of a title loan may be up to 210 days if:

- (a) The loan provides for payments in installments;
- (b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;
- (c) The loan is not subject to any extension; ~~and~~
- (d) The loan does not require a balloon payment of any kind ~~[-]; and~~
- (e) ***The loan is not a deferred deposit loan.***

**Sec. 7.** NRS 604A.450 is hereby amended to read as follows:

604A.450 A licensee who makes title loans shall not:

1. Make a title loan that exceeds the fair market value of the vehicle securing the title loan.

2. ***Make a title loan to a customer secured by a vehicle which is not legally owned by the customer.***

3. Make a title loan without ~~regard to the ability of the customer seeking the title loan to repay the title loan, including the customer's current and expected income, obligations and employment.~~

~~3.]~~ ***determining that the customer has the ability to repay the title loan, as required by section 1.3 of this act. In complying with this subsection, the licensee shall not consider the income of any person who is not a legal owner of the vehicle securing the title loan but may consider a customer's community income and the income of any other customers who consent to the loan pursuant to subsection 5 and enter into a loan agreement with the licensee.***

4. Make a title loan without requiring the customer to sign an affidavit which states that:

(a) The customer has provided the licensee with true and correct information concerning the customer's income, obligations, employment and ownership of the vehicle; and

(b) The customer has the ability to repay the title loan.

5. ***Make a title loan secured by a vehicle with multiple legal owners without the consent of each owner.***

**Sec. 8.** NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.410 to 604A.500, inclusive, ***and sections 1.3 and 1.7 of this act***, 604A.610, 604A.615, 604A.650 or 604A.655 or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for:

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to \$1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.410;

(c) Violates any provision of NRS 604A.420;



(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.435, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.440;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.440;

(g) Violates any provision of NRS 604A.485;

(h) Violates any provision of NRS 604A.490; or

(i) Violates any provision of NRS 604A.442.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

**Sec. 9.** Any contract or agreement entered into pursuant to chapter 604A of NRS before July 1, 2017, remains in effect in accordance with the provisions of the contract or agreement.

**Sec. 10.** This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 400.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 400 requires Nevada's Department of Education to establish a database of instructional materials created by employees of Nevada school districts and charter schools. The database must be accessible to any employee of a Nevada school district or charter school upon request.

The bill also requires the governing body of a school district or charter school to transfer to an employee the copyright for any instructional materials created by the employee outside of the scope of his or her employment or otherwise relinquish any claim to the copyright for such materials.

This bill is effective upon passage and approval for the purposes of adopting regulations and performing necessary administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 400:

YEAS—30.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—12.

Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 403 authorizes the Legislative Commission to suspend or nullify a regulation of a state agency under certain circumstances. Judicial review of such actions is precluded. The Subcommittee to Review Regulations is abolished. The Legislative Commission must review and approve permanent regulations with limited exceptions. The Legislative Commission shall adopt regulations as necessary to carry out the provisions of the Nevada Administrative Procedure Act.

A state agency must submit its proposed regulation to the Legislative Commission for review within a specified period. A state agency must also hold a public hearing on a proposed regulation, whether the proposed regulation is substantive or not, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The Legislative Counsel is no longer required to publish a paper copy of the Register. A copy of a written statement of emergency, endorsed by the Governor, must be filed with the Secretary of State before an emergency regulation becomes effective.

Roll call on Assembly Bill No. 403:

YEAS—33.

NAYS—Paul Anderson, Ellison, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Woodbury—9.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 408 aligns Nevada law with certain provisions of the Patient Protection and Affordable Care Act.

Roll call on Assembly Bill No. 408:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 410 authorizes a new vehicle dealer that is franchised to sell vehicles of the manufacturer to apply to the manufacturer for compensation for each month that the dealer possesses a used vehicle that is subject to a stop-sale order or do-not-drive order. The bill requires the new vehicle dealer to file a claim for compensation with the manufacturer.

Roll call on Assembly Bill No. 410:

YEAS—42.

NAYS—None.

Assembly Bill No. 410 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 411 allows, rather than requires, a department of juvenile justice services to terminate an employee who has been convicted of certain crimes or against whom certain criminal charges are pending. Before terminating the employee, the department is required to allow the employee a reasonable amount of time to correct the information obtained from the background investigation and a reasonable time of not more than 180 days to resolve the pending charges. Upon request from the employee and good cause shown, the department may allow the employee additional time to resolve the pending charges. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 411:

YEAS—42.

NAYS—None.

Assembly Bill No. 411 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 412, in its first reprint, requires that certain misdemeanors that would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in district courts unless the misdemeanor is based solely on the violation of municipal ordinance.

Roll call on Assembly Bill No. 412:

YEAS—42.

NAYS—None.

Assembly Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 415 authorizes state and local governmental entities to accept a tribal identification card that is issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. Further, a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person is required to accept a tribal identification card for the same purpose.

Roll call on Assembly Bill No. 415:

YEAS—42.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 418 revises provisions relating to recounting ballots in contested elections. The bill replaces existing provisions that require an initial recount of ballots be conducted in 5 percent of precincts or at least three precincts that voted in the election and replaces them with a requirement that in future contested elections, all ballots must be recounted.

Roll call on Assembly Bill No. 418:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

Assembly Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Ellison, Carlton, and Pickard.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 420 adds exceptions to the current prohibition on access by offenders to telecommunications devices, for conducting allowable visits or correspondence; facilitating or participating in correctional activities; or performing educational, vocational, or legal research. The bill also authorizes the Nevada Department of Corrections to impose a charge on offenders for videoconferencing visits to defray the costs of the service. The charge would be established by regulation, with the approval of the Board of State Prison Commissioners.

The Director of Nevada's Department of Corrections, James Dzurenda, testified before the Committee on Corrections, Parole, and Probation on this measure. Some of the benefits of this

measure that were brought out by Director Dzurenda in the Committee were trying to increase contact between offenders and their families through these video visits. Many of our state Nevada Department of Corrections facilities are very far from our urban centers, and travel for families is often very difficult, if not impossible. As to the communications devices that would be given to offenders in someone's cell, they would only be allowed to work on an intranet system. They would have no access to the outside and they would be used for educational purposes, for filing a kite for medical reasons—letting the authorities there at the facility know if a prisoner might be suicidal, might have a health issue—and it would save a lot on the current paper system. I urge your support.

ASSEMBLYMAN ELLISON:

I stand in opposition to Assembly Bill 420. I have serious concerns about the security protections in place when giving electronic devices to inmates. I am joined in these concerns by law enforcement across Nevada and by good, hard-working people in my home town of Elko. Safer streets for Nevada families do not begin by giving special privileges to felons. They begin by making sure they are properly rehabilitated and then that they are getting the help and training they need. I urge my colleagues to vote no.

ASSEMBLYWOMAN CARLTON:

A question to the sponsor of Assembly Bill 420: Was there any indication of what the cost might be? I support the idea that we are allowing folks to get educational issues dealt with and stay in touch with family, because we know family can be one of the most important things in the success as folks get ready to leave the institution. I am just curious if there was any indication on the cost, because I always have a problem when we are asking for folks to pay for part of their incarceration.

ASSEMBLYMAN OHRENSCHALL:

Certainly there is a fiscal note on the bill; the fiscal note is zero. Testimony at the committee hearing was that as to the video visits with family that would be allowed, which would be a supplement to the current phone call system, there would be a cost and that would be assessed to the offender, or the family of the offender would have to try to put money on their books, although I think there is now a new system where they would put money on the third-party contractor's system in the name of that loved one or relative so they can contact the family member.

As to the electronic tablets that would be allowed for educational purposes that are only to be used internally for communication with the officials in the prison, what I have learned from the Director is that he is expecting that these will be donated, as has recently been done in Colorado. I am not foreseeing a cost there in terms of the electronic communication devices that would be used internally—and only internally—but as to the external devices that would allow communication with family for video visits, that cost would be assessed to the offenders, as I understand it.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Speaker, and I know it is unusual to have a second but I do support this. If they do not know how to operate some type of computer device as they come out of the institution, they are going to be way behind, so just being able to put your hands on one and be familiar with one is great. I know that the dollar amount will come through regulations, so the body will have a chance through the regulatory process to look at those dollar amounts. I just want to send the message that I want to make sure this is fair and equitable and we do not price people out of an opportunity to succeed.

MR. SPEAKER:

Thank you, Assemblywoman. Assemblyman Ohrenschall, I believe you convinced her. Do you want to add to that?

ASSEMBLYMAN OHRENSCHALL:

In front of your Committee on Corrections, Parole, and Probation, there was testimony about how things have changed for many offenders. Many offenders might have gone in to NDOC

[Nevada Department of Corrections] when you sat down with a pen and filled out an application for a job. Now, it is almost impossible to find a place where you sit down with a pen; most of the time you have to do it online. If we release offenders once they are paroled or expire their sentence and they have no idea how to do that, we are certainly, I don't think, helping set them up for success. Again, I urge your support.

ASSEMBLYMAN PICKARD:

I appreciate the intent of this bill. I certainly understand Director Dzurenda's intention. In fact, I believe his testimony was that he provides the videoconferencing for visits as it is, and so I support that piece. After recent discussions, however, with law enforcement, there are some concerns about how this might be used. In talking to the Division Director, he suggested that this could be more appropriately dealt with in regulation, so I am going to reluctantly change to a no on this and encourage this to occur within the regulation.

Roll call on Assembly Bill No. 420:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 420 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:22 p.m.

#### ASSEMBLY IN SESSION

At 8:34 p.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that the Assembly reconsider the action whereby Assembly Bill No. 420 was refused passage.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 420.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Hansen.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 420. I already made my comments. I do urge the body's support.

ASSEMBLYMAN HANSEN:

I failed to tell the chairman of the committee that I was changing my vote. I voted in favor of this bill in committee without the realization that this was a two-thirds vote. I am now going to switch my vote and vote for it to honor my commitment to the chairman.

Roll call on Assembly Bill No. 420:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

Assembly Bill No. 420 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 424 requires that a determination of brain death be made in accordance with the guidelines set forth in “Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology,” published by the American Academy of Neurology on June 8, 2010, or subsequent revisions approved by the Academy; or “Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations,” published by the Pediatric Section of the Society of Critical Care Medicine, or subsequent revisions approved by the Pediatric Section.

Roll call on Assembly Bill No. 424:

YEAS—41.

NAYS—Krasner.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 425 makes various changes to the regulation of alcohol, drug and gambling counselors. The bill authorizes the Board of Examiners for Alcohol, Drug and Gambling Counselors to place licensees on inactive status in certain circumstances, while prohibiting a licensee who has requested inactive status from practicing and providing a penalty for failure to comply. Finally, the bill allows a certified alcohol and drug abuse counselor who meets certain requirements to supervise a certified intern.

Roll call on Assembly Bill No. 425:

YEAS—42.

NAYS—None.

Assembly Bill No. 425 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 427 removes the requirement that a person who has been convicted of certain felony drug offenses complete a drug treatment program before becoming eligible for Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program benefits. The measure requires a person convicted of such an offense to demonstrate that he or she is not currently possessing, using, or distributing controlled substances in order to be eligible for these programs.

Roll call on Assembly Bill No. 427:

YEAS—32.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—10.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 429 enacts the Psychology Interjurisdictional Compact of the Association of State and Provincial Psychology Boards. The interstate compact allows a person who is licensed as a psychologist in a state that is a member of the Compact to provide services to patients in other states that are members of the Compact through telehealth or in person under certain conditions. Before providing such services, the Compact requires a psychologist to meet certain specified requirements.

The governing body of the Compact, the Psychology Interjurisdictional Compact Commission, is authorized to access certain information and make certain determinations regarding the provision of services by a psychologist in a state that is a member of the Compact under certain circumstances. Psychologists who provide services in states other than those in which they are licensed under the Compact are subject to the jurisdiction of the state in which they provide services, and such a state can revoke the authorization to practice in that state. The Commission is authorized to, one, collect an annual assessment from each state that is a member of the Compact to fund the operations of the Commission; two, make rules concerning the administration of the Compact and the practice of psychology across state lines under the Compact; and three, resolve disputes among states that are members of the Compact related to the Compact.

Finally, the measure clarifies that a psychologist who is authorized to practice in this state pursuant to the Compact is authorized to engage in the same activities as a psychologist who is licensed in this state.

This bill is effective on October 1, 2017, but the Compact is effective upon ratification by seven states. Currently, only Arizona and Utah have ratified the Compact.

Roll call on Assembly Bill No. 429:

YEAS—41.

NAYS—Carlton.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.



## ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 431 makes various changes to the regulation of brew pubs, craft distilleries, suppliers, and wholesalers. The bill removes the restriction on the number of brew pubs a licensee may operate and increases to 40,000 barrels the amount of malt beverages a brew pub may manufacture in this state in a calendar year. The bill prohibits a person who operates a brew pub from selling at retail more than 5,000 barrels annually for consumption off premises; of this, no more than 1,000 per year may be sold in kegs.

Roll call on Assembly Bill No. 431:

YEAS—42.

NAYS—None.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblyman Flores.

## ASSEMBLYMAN FLORES:

Assembly Bill 438 provides that the court is authorized to reduce or suspend the sentence of a person who is convicted of a level 2 drug possession involving certain controlled substances without requiring the person to render substantial assistance in the investigation or prosecution of any offense.

Roll call on Assembly Bill No. 438:

YEAS—31.

NAYS—Paul Anderson, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—11.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblyman Araujo.

## ASSEMBLYMAN ARAUJO:

Assembly Bill 439, in its first reprint, provides that for the purposes of state and local sales and use taxes, the Department of Taxation shall consider a licensed veterinarian to be a consumer rather than a retailer of tangible personal property that is used, furnished, or dispensed by him or her in providing medical care or treatment to animals as part of the performance of his or her professional services in the practice of veterinary medicine.

Roll call on Assembly Bill No. 439:

YEAS—42.

NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 444 allows for a search warrant to be issued by a magistrate to search and seize the property of an attorney under certain circumstances. The measure requires the search warrant to be executed in a manner that minimizes the scrutiny of the property that is subject to the attorney-client privilege and authorizes a team of certain officers and attorneys to review property during the search to determine whether the property is covered by that search warrant. A district attorney or the Attorney General is required to ensure that any property seized during a search conducted pursuant to such a search warrant is reviewed to determine whether the attorney-client privilege is applicable and returned to the attorney from whom the property was seized if the seized property is subject to the attorney-client privilege.

Assembly Bill 444 is modeled after the federal procedure whenever there is a search warrant executed against someone actively practicing law. The bill did pass out of your Judiciary Committee unanimously.

Roll call on Assembly Bill No. 444:

YEAS—42.

NAYS—None.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 445 prohibits an insurer from denying a claim that arises under a policy of motor vehicle insurance for any accident or motor vehicle crash that occurs during the personal use of the motor vehicle because the insured, claimant, or group of insured or claimants is a driver for a transportation network company. The bill reduces the minimum amount of coverage required for certain transportation network company insurance and requires transportation network company insurance to provide for the medical payment coverage of any occupant of the motor vehicle.

Roll call on Assembly Bill No. 445:

YEAS—38.

NAYS—Bustamante Adams, Carlton, Diaz, Neal—4.

Assembly Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 453, in its first reprint, provides that upon an unconditional waiver of a preliminary hearing, a defendant and the district attorney may enter into a written conditional plea agreement. Such an agreement is subject to the court accepting the recommended sentence pursuant to the agreement.

Roll call on Assembly Bill No. 453:

YEAS—42.

NAYS—None.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 454 revises definitions related to the service of accountants. It requires the Nevada State Board of Accountancy to provide certain notices by electronic mail. The measure also removes a qualification that in order to obtain a certificate, the applicant must be a resident of this state or designate an agent in this state to receive service of process and makes other changes to the educational, work experience, and examination requirements.

Further, A.B. 454 allows the Board to cooperate with other agencies in investigating a certificate holder and to issue a cease and desist order in certain circumstances. It also repeals provisions relating to the regulation of registered public accountants and business entities formed by accountants. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 455 allows a notice or other document required by law to be provided as part of an insurance transaction or which serves as evidence of insurance to be delivered by electronic means.

Roll call on Assembly Bill No. 455:

YEAS—42.

NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 457 requires the Board of Psychological Examiners, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, Board of Examiners for Social Workers, and the Board of Examiners for Alcohol, Drug and Gambling Counselors to

submit certain reports to the Commission on Behavioral Health. This bill also requires each new member of these behavioral health care boards to complete an orientation and requires these boards to establish policies concerning compensation and reviewing staff performance. Further, A.B. 457 allows these boards to enter into agreements with the Department of Health and Human Services to carry out or improve the performance of their duties.

These behavioral health care boards are also required to adopt online application forms for the issuance or renewal of a license or certificate, and the bill provides an appeals process for persons aggrieved by a determination of a board in refusing to issue or renew a license or certificate or imposing discipline. Additionally, A.B. 457 requires these boards to adopt certain regulations and further requires the Commission on Behavioral Health to review the regulations before they are submitted to the Legislative Commission for approval.

Finally, the bill alters the composition of the Commission on Behavioral Health. The provisions of the bill revising the qualifications and terms of certain members of the Commission on Behavioral Health are effective on October 1, 2017. The remaining provisions are effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on January 1, 2018, for all other purposes.

I read that as quickly as possible. I have received guarantees that this will not have a fiscal impact on the state. I plan to follow that. This bill this session is the definition of “do not let the perfect be the enemy of the good.” I rise in pseudo-support of the bill.

Roll call on Assembly Bill No. 457:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 459, in its first reprint, authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of a child who may be in need of protection. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 459:

YEAS—42.

NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 470 creates a preprosecution diversion program for certain persons who have been accused of committing a misdemeanor and establishes conditions for eligibility, such as being a first time offender. A preprosecution diversion program may include a program of treatment to rehabilitate the defendant such as educational programs, anger management therapy, counseling, or a program of treatment for veterans and members of the military, mental illness, or the abuse of drugs and alcohol. A justice court or municipal court is authorized to order the

defendant to complete this program. The decision of the court relating to the participation of the defendant in the program may not be appealed.

If the participant is successful, the court would dismiss the charge. If the participant is not successful, the prosecution would start from the beginning and the person would be prosecuted in the normal manner.

Roll call on Assembly Bill No. 470:

YEAS—30.

NAYS—Paul Anderson, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler, Woodbury—12.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 478 revises provisions relating to election administration. To vote in an election, the last day to register is determined by the method of registration as follows: by mail, the fourth Tuesday before an election day; and by computer, the Thursday before the early voting period begins. Clerks are not required to distribute sample ballots to persons who register to vote less than 20 days before an election. Should this bill pass, the effective date is October 1, 2017.

Roll call on Assembly Bill No. 478:

YEAS—42.

NAYS—None.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 485 requires that certain new school buses be equipped with federally approved shoulder-harness-type safety belts for each permanent seating position for passengers. The bill transfers from the Department of Motor Vehicles to the Department of Public Safety the requirement to semiannually inspect school buses. Lastly, with certain exceptions, the bill revises the definition of “school bus” to more closely comport with the definition in the Federal Motor Carrier Safety Regulations and makes conforming changes to laws related to school buses. The measure is effective on July 1, 2017.

Roll call on Assembly Bill No. 485:

YEAS—40.

NAYS—Carlton, Krasner—2.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 26 revises provisions related to a service within the Central Repository for Nevada Records of Criminal History that is a name-based search of records of criminal history. This bill allows an authorized employment screening service to inquire about, obtain, and provide records of criminal history of an employee, prospective employee, volunteer, or prospective volunteer if the service maintains records of its dissemination of the records of criminal history. In addition the measure allows out-of-state employers access to the service.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblymen Sprinkle and Hansen.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 101 removes the requirement that 80 percent of the Wildlife Account be spent on lethal management and control of predatory wildlife and the mandate for consultation with the State Predatory Animal and Rodent Committee in the management of predatory wildlife. The measure expands the uses of the Wildlife Account to include the management and enhancement of game mammals and other activities related to the protection of wildlife habitat. Finally, the bill requires submittal of a report to the Legislature no later than August 31 of each even-numbered year on expenditures from the Wildlife Account and information on the effectiveness and outcomes of the programs and activities funded by the Account.

ASSEMBLYMAN HANSEN:

I rise in opposition to Assembly Bill 101. I was actually involved with this in 2001 and helped get this program in place. Since its inception back in 2001, the sportsmen of Nevada have put almost \$6.5 million into this program. Those fees were very specifically paid with a very specific intention. What we are doing with this bill is diluting that, at best. You cannot mix funds; when it comes to predator control, you cannot use those dollars to enhance big game programs. It is not allowed under the Pittman-Robertson rules. I would urge us all to vote no.

We had to pass, last session, a requirement that the Department of Wildlife use 80 percent of those funds to actually do what the program was intended to do. The reason we had to do that was that this particular agency is very hesitant, and in many cases actually opposed to the very programs that the Legislature has tried to put into place. On behalf of the hundreds of thousands of Nevada sportsmen, including myself, I would like to urge this body to keep those fees for the programs they were very specifically intended for.

Thank you, Mr. Speaker, and I urge everyone to vote no on Assembly Bill 101.

Roll call on Assembly Bill No. 101:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Watkins, Wheeler, Woodbury—16.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 253, in its first reprint, revises the provisions governing mental health adjudications. If an application for a writ of habeas corpus is filed by or on behalf of a person who has or is alleged to have mental illness, then the court is required to conduct a hearing on the application as soon as practicable. The physician or psychologist who examines and evaluates a person who has been involuntarily admitted is required to submit the written summary of findings and evaluation 24 hours before the hearing on the petition. The bill requires the court to transmit a record of the order to each law enforcement agency of this state with which the court has entered into an agreement for such transmission for inclusion in certain databases.

Roll call on Assembly Bill No. 253:

YEAS—42.

NAYS—None.

Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 226 and 242; Assembly Joint Resolution No. 10 of the 78th Session be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 298.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 298 sets forth in detail the process to be followed by the State Engineer when soliciting, reviewing, approving, and amending monitoring, management, and mitigation plans, so-called 3M Plans. The measure adds definitions for related terms and delineates the components of a 3M Plan.

The bill adds statements of legislative policy to encourage applicants for a permit to appropriate water or change the point of diversion to work with affected parties prior to the hearing by the State Engineer and to encourage the use of 3M Plans. Legislative declarations are included to support the State Engineer's use of existing law on 3M Plans and to state that the bill is intended to clarify, but not change, existing interpretations of water law. The bill also provides that it applies to appropriation or point of diversion applications retroactively and prospectively. The bill is effective upon passage and approval.

Assembly Bill 298 is the result of months of work and a wide array of interested water stakeholders from all over the state. As we might all guess, with any bill relating to water, there is a lot of interest in changes to this bill after it was introduced. Assembly Bill 298 clarifies

Nevada water law as it relates to monitoring, management, and mitigation plans. The term already exists in the statutes and the State Engineer currently uses these plans as a tool in management of our resources. As was so aptly put by former Assemblywoman Marcia de Braga years ago, the saying that has been said in this state about water: Whiskey is for drinking and water is for fighting. I hope that you support Assembly Bill 298 so that this discussion can continue.

Roll call on Assembly Bill No. 298:

YEAS—26.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Neal, Ohrenschall, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—16.

Assembly Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 120 requires the board of trustees of the school district in any county to provide to the board of county commissioners a statement of the impact on a school district of the proposed construction or development of an apartment house, five or more residential dwelling units, or five or more lots of mobile homes within the school district. The bill also extends the authority to request the imposition of the residential construction tax for all school districts and requires the board of county commissioners to approve such a request unless the board finds that the request was not justified. Additionally, among other provisions, the measure one, expands the purposes for which the proceeds of the residential construction tax may be used to include modernization of school buildings and necessary appurtenances; two, restricts the area or areas in which proceeds are authorized to be used to only those areas specified in the request for the imposition of the tax; and three, specifies a deadline for the collection of the tax. Finally, the bill exempts the construction or development of certain low-income housing from the residential construction tax and the requirement of an impact statement.

Roll call on Assembly Bill No. 120:

YEAS—24.

NAYS—Paul Anderson, Carlton, Carrillo, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, McCurdy, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—18.

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 114 increases the cap on indebtedness of an irrigation district from \$1 million to \$1.055 million. The bill also expands the scope of indebtedness that may be incurred in connection with the federal Reclamation Safety of Dams Act to include compliance with any federal statute or regulation. The cap on the annual assessment levied on property in an irrigation district for the payment of ordinary expenses is raised from \$1.50 to \$1.70 per acre,



and the cap on the annual assessment for capital improvements is raised from \$5.00 to \$5.70 per acre.

The measure provides for indexing of both the caps on indebtedness and the annual assessments by an amount equal to the lesser of 4.5 percent or the average percentage increase of the Consumer Price Index for West Urban Consumers for the preceding five years.

Roll call on Assembly Bill No. 114:

YEAS—39.

NAYS—Carrillo, Monroe-Moreno, Wheeler—3.

Assembly Bill No. 114 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 119 revises provisions governing writs of garnishment as they relate to spousal and child support. Specifically, the measure gives the collection of spousal support priority over certain other claims when a garnishee is the subject of multiple writs of garnishment. However, writs of garnishment to satisfy judgments for the collection of child support retain priority over writs of garnishment to satisfy judgments for the collection of spousal support.

Roll call on Assembly Bill No. 119:

YEAS—41.

NAYS—Watkins.

Assembly Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Joint Resolution No. 4 urges the National Research Council of the National Academy of Sciences to conduct a scientific and economic analysis of the management practices for the Colorado River.

Roll call on Assembly Joint Resolution No. 4:

YEAS—30.

NAYS—Paul Anderson, Carlton, Edwards, Ellison, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Woodbury—12.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Joint Resolution 5 proposes to amend the *Nevada Constitution* to remove the constitutional provisions relating to the election and duties of the Board of Regents of the University of Nevada. The Legislature shall provide by law for the governance, control, and management of the University. Proceeds of public lands donated for the support of the institution shall be invested by the state of Nevada as required by law.

Constitutional governance serves as an antiquated way to govern higher education, and Nevada is the only state that has its entire system governed by a single elected board with constitutional status. Although there are several variations among states, some of which are in constitutions, we are the only state that has the exact combination of higher education governance characteristics as we do. We are an outlier.

The only reason the Board of Regents is in the *Constitution* in the first place was to access the Morrill Land Grant Act upon statehood without any action on the part of the Legislature. The notion that the Legislature does not have a role in higher education governance persists despite the plain language of the *Constitution* and prevents us from really adapting to the state's demographic, economic, and workforce needs. These interpretations fly in the face of the plain language and the attempt of the framers—there was, in fact, a Washoe County lawyer and a delegate to the Second Constitutional Convention that added in that language to ensure that it would not be inferred, that we would have the situation that we have now. Unfortunately, in 1948 we had some case law that has gone contrary to that. Assembly Joint Resolution 5 is just seeking to put it back in that place.

I want to address one argument that I have heard a few times in opposition in regards to A.J.R. 5. I have heard a few people say that this is too strong a measure or the wrong message. I disagree with that because what this does is put the Board of Regents in the Nevada System of Higher Education in the same place as every other governing body and agency in the state. I do not think that is too strong or too much to ask. They would simply be in the same shoes as every other Executive Branch board and agency. I have also discussed with colleagues some other middle ground options. My colleague in the Senate who is cosponsoring the bill and I have tried a few other options, and we were not able to do that because of this language. That is what I am seeking to do, what we are seeking to do, and I would appreciate the body's support.

Roll call on Assembly Joint Resolution No. 5:

YEAS—38.

NAYS—Benitez-Thompson, Joiner, Krasner, Tolles—4.

Assembly Joint Resolution No. 5 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Joint Resolution 9 urges the United States Congress to not repeal the Patient Protection and Affordable Care Act and to fully preserve the benefits the Act affords many Nevadans.

Roll call on Assembly Joint Resolution No. 9:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Joint Resolution No. 9 having received a constitutional majority,  
Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 11.  
Resolution read third time.  
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Joint Resolution 11 urges the United States Congress to ensure that the Intermountain West Corridor will follow the existing U.S. Route 95 corridor through Mineral County.

Roll call on Assembly Joint Resolution No. 11:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Swank, Hansen, and Edwards.

ASSEMBLYWOMAN SWANK:

Assembly Joint Resolution 13 expresses the support of the Nevada Legislature for the designation of the Basin and Range National Monument and Gold Butte National Monument under the federal Antiquities Act of 1906. The resolution cites the myriad natural and cultural resources within the area of the two National Monuments and the support of Nevadans for such designations. The resolution also urges Congress to oppose efforts to weaken the Antiquities Act or to reverse the designations of the two National Monuments in Nevada.

ASSEMBLYMAN HANSEN:

I rise in opposition to Assembly Joint Resolution 13. This act, these two new monuments, in fact, are a gross abuse of the Antiquities Act. The Antiquities Act was passed in the age of Theodore Roosevelt with the specific purpose of protecting Anasazi and the Indian ruins in the canyons mainly in Arizona. The idea of using this now to essentially lock up over a million acres in Nevada is absolutely something this body should oppose. It is a gross abuse of federal executive authority. I would just add up: You have 1 million acres now that is basically blocked off from any uses; you have 3 million in the nuclear test site; you have 2.5 million in wilderness study areas; you have 900,000 acres now with the naval test range.

We are slowly but surely allowing the federal government to lock our people off the use of its own public domain. As a sportsman, and I know for a lot of sportsman organizations, their biggest fear is the loss of access to the public domain. I would encourage this body to not allow the federal abuse of power through the Executive Branch. We should say no to this. If, in fact, we wanted to have this monument, it should be just like the Yucca Mountain situation. We should be able to discuss it and vote on it right here in this Chamber.

ASSEMBLYMAN EDWARDS:

Gold Butte is in my district. I and my constituents are not happy with the Obama Administration's designation of Gold Butte as a national monument. The history of the government's handling of the Gold Butte area has been anti-ranching, anti-agriculture, and anti-public. It has consistently reduced grazing, shut off more roads, and this designation will only make more restrictions.

As for the Antiquities Act of 1906, it actually requires the government to take the minimal amount of land to protect things of historical value. In the case of Gold Butte, there are about a hundred acres of land to protect but the Obama Administration cordoned off 300,000 acres. That is like saying the entire Las Vegas metropolitan area needs to be cordoned off to protect the Mormon Fort. Suffice it to say that the feds did a gross overreach in my district, and I hope the Legislature will not turn around and thank them for it. I ask all of you to vote no.

Roll call on Assembly Joint Resolution No. 13:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 346 requires a person or governmental entity that wishes to operate or operates a small child care establishment to register with the Department of Health and Human Services and submit to a criminal history background check.

Roll call on Assembly Bill No. 346:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—13.

Assembly Bill No. 346 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 372.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 372 repeals the Uniform Athletes' Agent Act that is currently in statute and enacts the Revised Uniform Athlete Agents Act. Among other provisions, A.B. 372 requires an athlete agent to hold a certificate of registration issued by the Secretary of State.

Assembly Bill 372 further sets standards for the behavior of an athlete agent and provides that an agent who violates these standards is guilty of a misdemeanor and must pay restitution.

Roll call on Assembly Bill No. 372:

YEAS—42.

NAYS—None.

Assembly Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 34 reduces the number of appraisals required when selling or leasing state land from two to one. When selling or leasing state land or land owned by an incorporated city or county in a county with a population of 45,000 or more, the bill prohibits using an appraiser if a relative of the appraiser within the third degree of consanguinity or affinity has an interest in the land or an adjoining property. For counties with a population less than 45,000 and cities within

those counties, the applicable degree of consanguinity and affinity is increased to the second degree.

Roll call on Assembly Bill No. 34:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 211 revises provisions governing penalties for the violation of certain requirements relating to the payment of compensation and wages. Specifically, the bill increases the maximum amount of the administrative penalty the Labor Commissioner can assess for an employer found to have violated certain wage and compensation laws from \$5,000 to \$10,000. It also allows the Labor Commissioner to award some or all of the administrative penalty to a person harmed by a violation in certain circumstances and requires the Labor Commissioner to publish on its website a list of those found to have willfully violated requirements related to the payment of wages and compensation.

Roll call on Assembly Bill No. 211:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 163 requires a deferred deposit, high-interest, or title lender to determine whether a person has the ability to repay a loan before the loan is made and establishes the factors that the lender must use to make that determination. The bill also specifies that a lender, with certain exceptions, may not consider the income of any other person who is not the person taking out the loan when making a determination of the person's ability to repay a loan. In addition, it prohibits a title lender from making a loan to a person who does not legally own the vehicle being used to secure the loan.

This bill was the by-product of issues that were identified in the industry and constituents coming forth with ways that they had been taken advantage of. In the true spirit of this bill, the good actors came to the table, we worked for weeks and hours with sometimes not very much progress, but we finally got there. In the true spirit of the bad actors, they did not come to the table and, in fact, came to this building and played games. Their *modus operandi* was to continue that and I wanted to point that out. I look forward to continuing to work with the stakeholders. I am incredibly grateful for everybody who came to the table. We are going to take people off the treadmill of debt, and I am incredibly honored to have had the opportunity to sponsor this.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Barbee, Paul Anderson, and David Stix, Sr.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from O'Brien STEM Academy: Alondra Gomez Ramirez, Kathleen Leslie, Kaitlyn McEnaney, Jaidunn McKenzie, Samantha Wright, Kelsi Davis, Niviam Gomez Lucas, Sonali Kopp, Rolando Chavez, Breanna Dowdell, Daisy Gonzalez Murillo, Jazmin Pantoja Aguilar, Rafael Sunga, Annika Wiechers, Raven Yanez, Esmeralda Coria Flores, Emma Rhew, Tonantzin Sanchez Contreras, Breanna Stack, Alexis Bautista, Josh Soules, Mariana Alquiza, Isabella Camargo, Mariana Gracian Vences, Liberty Martinez, Vanessa Ramirez Rios, Michel Hernandez Andrade, Paris Acosta, Brock Aime, Myr Crispen-Ramirez, Anthony Ganz-Walker, Crystal Marquez Orozco, Jacqueline Mayorga, Isaiah Rogers, Trenton Mlaker, Erick Yanas-Perez, Latu Tuipulotu, Laura Bernabe, Avery Burt, Dayanara Hernandez, Jose Hernandez, Hannah Igbekoyi, Deandrea Mason, Madysen McKenzie, Enrique Olivares, Noemi Ortega-Sanchez, Fraeya Delladio, Sarahy Guzman Lara, Ivan Pinto, Hope Carnes, Victoria Gomez, Alejandro Martinez, Lesly Gonzalez, Jayden Taylor, Daniela Recinos, Ariela Gonzales, and Michelle Buelna.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, April 26, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:45 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*