

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), June 1, 2017

Assembly called to order at 5:42 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hansen and Ohrenschall, who were excused.

Prayer by Assistant Sergeant at Arms Judy Doherty, read by Michele Burke.

If I could leave a legacy, what would it be? Good service, good will, good advice? Could it be love, kindness, and endurance?

As we all strive to do what is best for our humankind, may we exercise respect and the agreement to disagree as we carry out the will of those we serve.

What an amazing community, state, country, and world we are allowed to partake of. May we be good stewards of what we have been given and protect the freedoms that surround us. This is the legacy that I desire to leave; what about you?

God Bless the state of Nevada.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 72, 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 181, 278.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 322, Amendment No. 972, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 1, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 45, Senate Amendment No. 953, and requests a conference, and appointed Senators Atkinson, Cannizzaro and Settlemeyer as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 528.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 545.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 120, 315, 544.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 439.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 529, 530, 531, 532, 533, 534, 536, 537.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 519—AN ACT making an appropriation to the Secretary of State to award grants of money to the counties in this State for the purchase of voting machines and certain related costs; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 120.

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

Motion carried.

Senate Bill No. 315.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 439.

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

Motion carried.

Senate Bill No. 528.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 529.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 530.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 531.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 532.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 533.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 534.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 536.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 537.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 544.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 545.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 94.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1054.

AN ACT relating to economic development; repealing the prospective expiration of the NV Grow Program that provides certain assistance to existing small businesses; recognizing the Small Business Development Center in Clark County and requiring the Centers in Clark and Washoe Counties to cooperatively expand the NV Grow Program; making appropriations to support the NV Grow Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law directs the Office of Economic Development within the Office of the Governor to create the NV Grow Program as a pilot program to provide certain informational and technical assistance to existing small businesses in this State that are expanding or ready to expand. (Section 2 of chapter 459, Statutes of Nevada 2015, p. 2681) Existing law provided a \$150,000 appropriation for the 2015–2017 biennium to the Nevada System of Higher Education for the College of Southern Nevada to hire a geographic information technology specialist, purchase related software and provide other services related to the NV Grow Program. (Section 5 of chapter 459, Statutes of Nevada 2015, p. 2683) Existing law also provides that the NV Grow Program expires by limitation on June 30, 2017. (Section 8 of chapter 459, Statutes of Nevada 2015, p. 2683)

Sections 1-7 of this bill make the NV Grow Program ongoing by repealing the prospective expiration of the provisions that created the NV Grow Program and make conforming changes to remove the designation of the program as a pilot program. **Section 1.5** of this bill designates the NV Grow Act as the short title for the act that establishes the NV Grow Program.

Section 3 of this bill recognizes the Small Business Development Center in Clark County as a participant in the program and requires cooperation with the geographic information system specialist. **Section 3** also requires the Small Business Development Centers in Clark and Washoe Counties to select the lead counselor and manage the NV Grow Program jointly, including: (1) appointing the College of Southern Nevada as administrator of the geographic information system; (2) identifying businesses and business sectors in this State that are ready to expand; (3) determining those businesses and business sectors that will participate in the program; (4) identifying skilled labor in this State and its potential for growth; (5) targeting business sectors and occupations in the State that have demonstrated the ability to grow and stimulate the economy; (6) focusing on utilization of existing resources; (7) harnessing the academic expertise of the College of Southern Nevada; (8) using the geographic information systems to map areas in which retail sales and other commerce are flourishing or have capacity for further growth; and (9) facilitating informational and other assistance of the College of Southern Nevada to businesses and business sectors, including business training, monitoring marketing techniques and business mentoring. Additionally, **section 3**: (1) adds business mentorship within the program as part of the resources and expertise the Centers provide to businesses in this State; (2) expands the goal of the NV Grow Program from serving 10 businesses to serving 15 businesses in this State every year; and (3) reduces the minimum revenue threshold for participation in the NV Grow Program to businesses that generate at least \$50,000 per year.

Section 8 of this bill increases the appropriations to provide grants for program support for business courses and allow the College of Southern

Nevada to hire a lead counselor. **Section 8** also requires the money appropriated by this bill to be used for direct program expenditures.

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

Section 1. Chapter 459, Statutes of Nevada 2015, is hereby amended by adding thereto a new section to be designated as section 1.5, immediately following section 1, to read as follows:

Sec. 1.5. *This act may be cited as the NV Grow Act.*

Sec. 2. Section 1 of chapter 459, Statutes of Nevada 2015, at page 2681, is hereby amended to read as follows:

Section 1. The Legislature hereby finds and declares that:

1. It is vital to the overall health and growth of the economy of the State of Nevada to promote favorable conditions which allow the expansion of Nevada businesses that demonstrate the ability to grow;

2. As a result of the extraordinary economic challenges which have been, and are, confronting the State, the public has an interest in expanding the resources of this State to stimulate investment in Nevada's economy;

3. It is the intent of the Legislature that resources be provided for the operation of the ~~[pilot]~~ program described in section 2 of this act; and

4. The purpose of the ~~[pilot]~~ program described in section 2 of this act is to stimulate investment in Nevada's economy by providing technical assistance for businesses in this State that are expanding or ready to expand.

Sec. 3. Section 2 of chapter 459, Statutes of Nevada 2015, at page 2681, is hereby amended to read as follows:

Sec. 2. 1. The Office, in consultation with the stakeholders group, shall develop, create and oversee the NV Grow Program ~~[as a pilot program]~~ to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this State rather than recruiting businesses from other states to relocate in Nevada.

2. Under the auspices of the ~~[pilot]~~ program:

(a) Institutions of the Nevada System of Higher Education located in Clark County and the Nevada Small Business Development Center in Clark County shall, in cooperation with the geographic information system specialist employed at the College of Southern Nevada, mentor and track businesses participating in the ~~[pilot]~~ program in Clark County. The Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the ~~[pilot]~~ program in Clark County.

(b) The Nevada Small Business Development ~~[Center]~~ **Centers** located in **Clark County and** Washoe County shall **each** cooperate with

the geographic information system specialist employed to assist businesses in Clark County that are participating in the ~~[[pilot]]~~ program with marketing and other efforts.

3. The ~~[[pilot program]]~~ **Centers, jointly, shall select the lead counselor and manage the NV Grow Program, which** must include, without limitation:

(a) The employment of a geographic information specialist at the College of Southern Nevada who provides data to clients of the stakeholders group;

(b) The appointment of the ~~[[Nevada Small Business Development Center in Washoe County]]~~ **College of Southern Nevada** as administrator of the geographic information system;

(c) An analysis **and identification by the Centers** of businesses **and business sectors** in this State that are ready to expand ~~[[]]~~ **and a determination of which of these businesses and business sectors will participate in the program;**

(d) ~~[[The identification]]~~ **Identification by the Centers** of the skilled labor that exists in this State and its potential for growth;

(e) ~~[[The targeting]]~~ **Targeting by the Centers** of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State;

(f) A focus **by the Centers** on the utilization of existing resources;

(g) The harnessing of the academic expertise of the **College of Southern Nevada and the Centers** to provide economic and market data to contribute to the diversification and growth of the economy of this State;

(h) The use of geographic information systems **by the College of Southern Nevada and the Centers** to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth;

(i) ~~[[The selection of businesses and business sectors in this State to participate in the pilot program;~~

~~[[j]]~~ The elements described in subsection 2;

~~[[k]]~~ (j) The provision of informational and other assistance **by the College of Southern Nevada** to businesses and business sectors in this State ~~[[]]~~ , **including, without limitation, business training, nontraditional marketing techniques and business mentoring;** and

~~[[l]]~~ (k) Such other components as the Office, in consultation with the stakeholders group, determines are likely to be necessary, advisable or advantageous for the growth and development of businesses located in this State.

4. The ~~[[pilot]]~~ program shall, insofar as is possible, use the resources and expertise of the Centers and make available those resources and that expertise to businesses in this State for the purposes of:

(a) Developing business connections ~~[[]]~~ **and business mentorships within the program;**

(b) Exchanging data and other information with and between businesses and trade associations;

(c) Creating and facilitating peer-to-peer mentoring sessions ~~[[]]~~ **for participants in the NV Grow Program;** and

(d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of geographic information systems.

5. To the extent possible, the ~~[[pilot]]~~ program must be conducted with the goal of selecting ~~[[10]]~~ **15** businesses in Clark County to participate in the ~~[[pilot]]~~ program ~~[[]]~~ **every year.**

6. To qualify to participate in the ~~[[pilot]]~~ program, a business must:

(a) Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

(b) Generate at least ~~[[\$100,000]]~~ **\$50,000** but not more than \$700,000 in revenue; and

(c) Have a business plan.

7. As used in this section:

(a) “Business plan” means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) “Centers” means all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and the University of Nevada, Reno.

(c) “Geographic information system” means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.

(d) “Office” means the Office of Economic Development within the Office of the Governor.

(e) “Stakeholders group” means a group of persons interested in economic development in this State selected by the Office, including, without limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County.

Sec. 4. Section 3 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 3. In assisting and carrying out the ~~[[pilot]]~~ program described in section 2 of this act, the Centers, as defined in section 2 of this act, shall, without limitation, perform the following services:

1. Analyze data;
2. Ensure that businesses participating in the ~~[[pilot]]~~ program understand the manner in which the data so analyzed will be applied to those businesses so that the businesses may make better business decisions and understand the current business market in which they exist;
3. Mentor the businesses as to the optimum use of data received under the ~~[[pilot]]~~ program relative to the making of business decisions; and
4. With respect to the businesses participating in the ~~[[pilot]]~~ program:
 - (a) Track the business decisions and growth of each business over the entire period of the ~~[[pilot]]~~ program; and
 - (b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the Office of Economic Development within the Office of the Governor.

Sec. 5. Section 4.5 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 4.5. The Office of Economic Development within the Office of the Governor may apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office in carrying out the ~~[[pilot]]~~ program described in section 2 of this act.

Sec. 6. Section 7 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 7. The ~~[[pilot]]~~ program described in section 2 of this act must begin operating not later than January 1, 2016.

Sec. 7. Section 8 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 8. ~~[[1-]]~~ This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

~~[[2.— This act expires by limitation on June 30, 2017.]]~~

Sec. 8. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education:

(a) The sum of ~~[[\$250,000]]~~ \$225,000 to allow the Nevada Small Business Development Centers to provide such services as may be necessary to assist and carry out the NV Grow Program established pursuant to the NV Grow Act and to provide grants of \$25,000 each to the Urban Chamber of Commerce and the Las Vegas Latin Chamber of Commerce for program support for business courses.

(b) The sum of ~~[\$175,000]~~ **\$125,000** to allow the College of Southern Nevada to hire a geographic information specialist to assist small businesses who participate in the NV Grow Program established pursuant to the NV Grow Act. Any portion of the money not used to hire the geographic information specialist may be used by the College to hire a lead counselor. Any money not used for these purposes must be used for direct program expenditures by the College, such as, without limitation, marketing tools, stipends and field trips.

2. All money appropriated by the provisions of this section must be distributed to the entities specified in paragraphs (a) and (b) of subsection 1 and must be used only for the purposes specified in those paragraphs and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including University indirect costs.

Sec. 9. Any remaining balance of the appropriation made by section 8 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 10. 1. This section and sections 1 to 7, inclusive, of this act become effective upon passage and approval.

2. Sections 8 and 9 of this act become effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 371.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 999.

SUMMARY—~~[Makes an appropriation for the purchase of the Huntridge Theater located in Las Vegas, Nevada.]~~ Authorizes the State Land Registrar to facilitate the restoration and preservation of certain historic buildings by entering into a public-private partnership. (BDR ~~[\$ 883]~~ **26-883)**

AN ACT ~~[making an appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for the purchase of the Huntridge Theater in Las Vegas, Nevada;]~~ relating to historic buildings; authorizing the State Land Registrar to purchase certain historic buildings and enter into a public-private partnership to facilitate

certain activities related to such a historic building; providing requirements and exemptions relating to such a public-private partnership; establishing the Restore Nevada's Treasures Revolving Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill authorizes the State Land Registrar, to the extent that money is available, to purchase a historic building that has been determined by the Office of Historic Preservation of the State Department of Conservation and Natural Resources to be a historic building that is at risk of loss. Section 8 also authorizes the State Land Registrar to enter into a public-private partnership for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building so purchased and sets forth certain provisions that a contract for a public-private partnership is required to include. Section 8 requires the public-private partnership to be structured so that the State will be repaid by the private partner for the purchase price of the historic building and the private partner will receive ownership of the historic building from the State. Section 10 of this bill exempts such a public-private partnership from existing law governing purchasing and public works, except regarding the payment of the prevailing wage.

Section 11 of this bill establishes the Restore Nevada's Treasures Revolving Account and requires that the money in the Revolving Account be used to acquire historic buildings and pay expenses related to a public-private partnership for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building.

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

~~Section 1. [1. There is hereby appropriated from the State General Fund to the Division of State Lands of the State Department of Conservation and Natural Resources the sum of \$3,000,000 to purchase the Huntridge Theater, located at 1208 East Charleston Boulevard, Las Vegas, Nevada.~~

~~2. The Administrator of the Division may enter into a contract with one or more public private partners to assist with the purchase, repair and restoration of the Huntridge Theater.] (Deleted by amendment.)~~

~~Sec. 2. [Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.] (Deleted by amendment.)~~

Sec. 3. Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 11, inclusive, of this act.

Sec. 4. As used in sections 4 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.

Sec. 5. "Historic building" means a site, building, structure, object or district which is eligible for or included in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places or is otherwise of historical significance.

Sec. 6. "Private partner" means a person with whom the State Land Registrar enters into a public-private partnership.

Sec. 7. "Public-private partnership" means a contract entered into by the State Land Registrar and a private partner pursuant to section 8 of this act.

Sec. 8. 1. To the extent that money is available in the Restore Nevada's Treasures Revolving Account created by section 11 of this act, the State Land Registrar may purchase a historic building that has been determined by the Office of Historic Preservation of the State Department of Conservation and Natural Resources to be a historic building that is at risk of loss.

2. The State Land Registrar may enter into a public-private partnership with a private partner for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building purchased pursuant to subsection 1. The public-private partnership must be structured to facilitate the transfer of ownership of the historic building from the State to the private partner and repayment of the purchase price of the historic building to the State by the private partner from revenues generated by the historic building.

3. The contract for a public-private partnership must include, without limitation:

(a) The rate of interest on payments;

(b) A schedule for payments; and

(c) A provision to ensure all money expended or advanced by the State in connection with the public-private partnership is recovered in the event of a default by the private partner.

4. The State Land Registrar shall consult with the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding:

(a) Identification of historic buildings appropriate for public-private partnerships; and

(b) The design and restoration of a historic building pursuant to a public-private partnership.

Sec. 9. To carry out the provisions of sections 4 to 11, inclusive, of this act, the State Land Registrar may:

1. Employ any necessary legal, financial, technical and other consultants.

2. Apply for grants and accept from any source any gift, grant, donation or other form of conveyance of land, money, other real or personal property or other thing of value.

3. Keep any proprietary information obtained by or disclosed to the State Land Registrar during the procurement or negotiation of the public-private partnership confidential.

4. Adopt such regulations as the State Land Registrar deems necessary.

Sec. 10. 1. The provisions of chapters 333, 338 and 341 of NRS do not apply to a public-private partnership, except the provisions of NRS 338.013 to 338.090, inclusive, apply to a contract to perform work in connection with the preservation, rehabilitation, restoration, reconstruction or adaptive use of a historic building pursuant to a public-private partnership. The private partner and a contractor who is awarded the contract or enters into the agreement to perform the preservation, rehabilitation, restoration, reconstruction or adaptive use of the historic building shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The State Land Registrar, the private partner, any contractor who is awarded a contract or enters into an agreement to perform such work on the historic building project and any subcontractor who performs work on the historic building project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the project or had awarded the contract.

2. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section of the State Public Works Division of the Department of Administration shall serve as the building official on the work performed in connection with the preservation, rehabilitation, restoration, reconstruction or adaptive use of a historic building pursuant to a public-private partnership.

Sec. 11. 1. The Restore Nevada's Treasures Revolving Account is hereby created as a special account in the State General Fund.

2. The State Land Registrar shall deposit into the Revolving Account money received:

(a) As a gift, grant or donation pursuant to section 9 of this act; and

(b) From payments made by a private partner pursuant to a public-private partnership.

3. The State Land Registrar may use the money in the Revolving Account only for the expenses related to:

(a) The acquisition of a historic building pursuant to section 8 of this act; and

(b) Expenses relating to a public-private partnership.

4. The State Land Registrar shall:

(a) Approve any disbursements from the Revolving Account; and

(b) Maintain records of any such disbursement.

5. The balance of the Revolving Account must be carried forward at the end of each fiscal year.

Sec. 12. 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, **or sections 4 to 11, inclusive, of this act,** 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 independent appraisals 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 or 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 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 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 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. 13. 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, **or sections 4 to 11, inclusive, of this act,** 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, or 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 or 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.}~~ **Sec. 14.** This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 397.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1047.

SUMMARY—Makes an appropriation for grants to local governmental entities and nonprofit organizations for **certain** family planning services. (BDR S-856)

AN ACT making an appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services to provide grants of money to local governmental entities and nonprofit organizations for **certain** family planning services; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services ~~{the sum of \$4,000,000.}~~ **the following sums:**

For the Fiscal Year 2017-2018..... \$500,000

For the Fiscal Year 2018-2019..... \$500,000

2. The Administrator of the Division of Public and Behavioral Health shall use the money appropriated by subsection 1 to award grants of money to local governmental entities and nonprofit organizations to provide family planning services ~~{recommended by the Centers for Disease Control and Prevention and the Office of Population Affairs of the United States Department of Health and Human Services}~~ to persons who would otherwise have difficulty obtaining such services because of poverty, lack of insurance or transportation or any other reason.

3. As used in this section, "family planning services" means:

(a) Counseling by trained personnel concerning family planning.

(b) Distributing information concerning family planning.

(c) Referring persons to appropriate agencies, organizations and providers of health care for consultation, examination, treatment, genetic counseling and prescriptions for the purpose of family planning.

(d) Distributing or providing the following methods of contraception approved by the United States Food and Drug Administration:

(1) Voluntary sterilization for women;

(2) Surgical sterilization implants for women;

(3) Implantable rod;

(4) Copper-based intrauterine device;

(5) Progesterone-based intrauterine device;

(6) Injection;

(7) Combined estrogen- and progestin-based drugs;

(8) Progestin-based drugs;

(9) Extended- or continuous-regimen drugs;

(10) Estrogen- and progestin-based patches;

(11) Vaginal contraceptive ring;

(12) Diaphragm with spermicide;

(13) Sponge with spermicide;

(14) Cervical cap with spermicide;

(15) Female condom;

(16) Spermicide;

(17) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(18) Ulipristal acetate for emergency contraception.

(e) Providing or referring persons for preconception health services and assistance to achieve pregnancy.

(f) Providing or referring persons for testing for and treatment of sexually transmitted infections or diseases.

Sec. 2. The sums appropriated by section 1 of this act are available for either fiscal year. Any remaining balance of ~~the appropriation made by section 1 of this act~~ **those sums** must not be committed for expenditure after June 30, ~~2021,~~ **2019,** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~17, 2021,~~ **20,** **2019,** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~17, 2021,~~ **20,** **2019.**

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

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1040.

AN ACT relating to transportation; establishing the Nevada State Infrastructure Bank; providing for the governance of the Bank by a Board of Directors; establishing the powers and duties of the Board of Directors; providing for the administration of the Bank by an Executive Director ~~to~~ **to the extent that certain money is available**; establishing the powers and duties of the Executive Director; establishing the Nevada State Infrastructure Bank Fund; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities and utility infrastructure ~~;~~ ~~projects;~~ providing civil immunity for certain persons for certain official actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-36.5 of this bill establish the Nevada State Infrastructure Bank. The purpose of the Bank is to provide loans and other financial assistance to various units of state and local government for the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of certain transportation facilities and utility infrastructure ~~.~~ ~~projects.~~ **Sections 20 and 37.1** of this bill create the Bank within the Department of Transportation and provide for its governance by a Board of Directors. **Section 21** of this bill establishes certain powers and duties of the Board of Directors. **Section 21** further authorizes the Board of Directors to issue bonds or other securities to raise money to carry out its statutory purposes and powers. **Section 22** of this bill requires the Governor ~~,~~ **to the extent that money is available from public or private sources for administrative costs**, to appoint an Executive Director to administer, manage and conduct the affairs of the Bank and establishes the powers and duties of the Executive Director. **Section 23** of this bill creates the Nevada State Infrastructure Bank Fund to be administered by the Board of Directors and used exclusively to capitalize and carry out the statutory powers and purpose of the Bank.

Section 24 of this bill establishes certain procedures relating to: (1) applications for a loan or other financial assistance from the Bank in connection with a project to develop, construct, repair, improve, operate, maintain, decommission or own a transportation facility or utility infrastructure ~~;~~ ~~projects;~~ (2) the determination by the Executive Director of eligible projects; and (3) selection by the Board of Directors of projects that

qualify to obtain such a loan or assistance. **Section 25** of this bill requires a borrower whose project is qualified to receive a loan or other financial assistance to enter into a financing agreement with the Bank and, in case of a loan, to issue some kind of security to the Bank that evidences the borrower's obligation to repay the loan.

Section 26 of this bill authorizes the Bank to act as an insurer or reinsurer in connection with a loan or satisfaction of a related obligation made by the Bank. **Section 27** of this bill authorizes the Bank to provide security for any revenue bonds issued by the Bank.

Section 28 of this bill provides that any debt or obligation issued by the Bank is not a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or a political subdivision, other than the Bank itself.

If a borrower who has received a loan from the Bank fails to make a payment of any money owed to the Bank, **section 29** of this bill authorizes the Bank, under certain circumstances, to require other state agencies that are in possession of money of the State or other money that is allotted or appropriated to the borrower to withhold that money from that borrower and remit it to the Bank to use the money to make the necessary payment to the Bank.

Section 30 of this bill provides a grant of immunity from civil liability to the Board of Directors of the Bank or the officers and employees of the Bank for certain official acts under certain circumstances. **Section 31** of this bill exempts the Bank from certain procedural prerequisites that would otherwise be applicable to its actions. **Section 32** of this bill exempts the property of the Bank and its income from taxation. **Section 33** of this bill exempts the bonds and other securities issued by the Bank from most forms of taxation.

Section 34 of this bill provides that any authority given to a governmental borrower to issue bonds by this bill is supplemental to, and not in lieu of, any existing authority to issue bonds.

Section 35 of this bill also provides that the provisions of this bill are intended to supplement, not supplant, other existing laws concerning the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State and political subdivisions thereof. However, **section 35** also provides that if there is a conflict between those laws and this bill, the provisions of this bill control. **Section 35** also provides that a contract for construction on a qualified project funded in whole or in part by a loan or other financial assistance from the Bank is subject to the prevailing wage requirement.

Section 36 of this bill requires the Bank to submit an annual report concerning its activities to the Governor and the Legislature. **Section 36.5** of this bill authorizes the divisions of the Department of Transportation, to the extent that money is available for that purpose, to provide technical advice, support and assistance to the Bank.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 36.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 36.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Bank” means the Nevada State Infrastructure Bank.*

Sec. 4. *“Board of Directors” means the Board of Directors of the Bank.*

Sec. 5. *“Eligible costs” means, as applied to a qualified project to be financed from:*

1. The federal highway account established by section 23 of this act, the costs that are allowed under applicable federal laws, requirements, procedures

and guidelines in regard to establishing, operating and providing assistance from the Bank.

2. The state and local highway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, sustainability certification and other costs necessary for the qualified project.

3. The federal utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

4. A federal or state and local nonhighway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

5. The state and local utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities, sustainability certification and other nonoperating costs necessary for the qualified project.

Sec. 6. *“Eligible project” means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility ~~[project]~~ or utility infrastructure ~~[project].~~*

Sec. 7. *“Executive Director” means the Executive Director of the Bank.*

Sec. 8. *“Federal accounts” means the federal highway account, federal nonhighway account and federal utility infrastructure account established pursuant to section 23 of this act.*

Sec. 9. 1. *“Financing agreement” means any agreement entered into between the Bank and a qualified borrower pertaining to a loan or other financial assistance for a qualified project, which may or may not include nonfinancial provisions relating to the qualified project, including, without limitation, terms and conditions relating to the regulation and supervision of the qualified project.*

2. *The term includes, without limitation:*

(a) *A loan agreement;*

(b) *A trust indenture;*

(c) *A security agreement;*

(d) *A reimbursement agreement;*

(e) *A guarantee agreement;*

(f) *A bond or note; and*

(g) *An ordinance or a resolution or similar instrument.*

Sec. 10. *“Governmental unit” means:*

1. *The State of Nevada, including, without limitation, any board, commission, agency, department, division or instrumentality thereof;*

2. *A political subdivision of the State of Nevada, including, without limitation, a county, city, town, school district, general or local improvement district or a combination of two or more of those entities acting jointly, including, without limitation, as a regional transportation commission as defined in NRS 482.1825; and*

3. *A public or private utility.*

Sec. 11. *“Loan” means any form of direct financial assistance that is provided by the Bank to a qualified borrower to defray all or part of the anticipated or actual costs of a qualified project and is required to be repaid by the borrower over a period of time.*

Sec. 12. *“Loan obligation” means a bond, note or other evidence of a qualified borrower’s obligation to repay a loan given by the Bank.*

Sec. 13. *“Other financial assistance” means any use of money by the Bank for the benefit of a qualified borrower, including, without limitation, a grant, contribution, credit enhancement, capital or debt reserve for bonds or other debt instrument financing, an interest rate subsidy, letter of credit or other credit instrument, security for a bond or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors and, in the case of*

money made available to the State by the Federal Government, as allowed by applicable federal law.

Sec. 14. “Project revenue” means any rate, rent, fee, assessment related specifically to the project, charge or other receipt derived or to be derived by a qualified borrower from a qualified project and, if so provided in the applicable financing agreement, derived from any system of which the qualified project is a part or from any other revenue producing facility under the ownership or control of the qualified borrower, including, without limitation, the proceeds of a grant, gift, appropriation or loan, including, without limitation, the proceeds of a loan made by the Bank, investment earnings, payments to a reserve for capital or current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property.

Sec. 15. “Qualified borrower” means a governmental unit, or an entity established by an agreement between a governmental unit and a private entity, that is authorized to develop, construct, repair, improve, maintain, decommission, operate or own a qualified project.

Sec. 16. “Qualified project” means an eligible project that has been selected by the Bank to receive a loan or other financial assistance.

Sec. 17. “State and local accounts” means the state and local highway account, state and local nonhighway account and state and local utility infrastructure account established by the Bank pursuant to section 23 of this act.

Sec. 18. “Transportation facility” means any existing, enhanced, upgraded or new facility that is used or useful for the safe transport of people, information or goods via one or more modes of transport, including, without limitation, any of the following:

1. A road, railroad, bridge, tunnel, overpass, airport, mass transit, light or commuter rail, conduit, ferry, boat, vessel, parking facility, intermodal or multimodal system or any other mode of transport, including, without limitation, those utilizing autonomous technology, and any rights of way necessary for any eligible transportation facility.

2. Related or ancillary to, or used or useful to provide, operate, maintain or generate revenue for, a facility described in subsection 1, including, without limitation, administrative buildings and other buildings, structures, rest areas, maintenance yards, rail yards, ports of entry or storage facilities, vehicles, rolling stock, energy systems, control, communications and information systems, parking facilities and similar commercial facilities used for the support of or the transportation of persons, information or goods or other related equipment, items or property, including, without limitation, any other property that is needed to operate the facility.

3. All improvements, including equipment necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting,

belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 18.5. “Utility” has the meaning ascribed to it in NRS 408.407.

Sec. 19. “Utility infrastructure” ~~project~~ means ~~off site~~ any infrastructure which allows for the ~~engineering and construction of utilities from the point of connection of existing utilities to the boundary of~~ connection of the transmission or distribution system of a utility to a distribution facility installed by a master-planned industrial or business park ~~in~~ in conformance with the tariffs of the utility and includes, without limitation, the engineering and construction of the infrastructure.

Sec. 20. 1. The Nevada State Infrastructure Bank is hereby created within the Department.

2. The purpose of the Bank is to provide loans and other financial assistance to various governmental units for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities and utility infrastructure ~~projects~~ as necessary for public purposes, including, without limitation, economic development.

3. The Bank is administered by a Board of Directors consisting of:

(a) The Director of the Department of Transportation or his or her designee;

(b) The State Treasurer or his or her designee;

(c) The Director of the Department of Business and Industry or his or her designee;

(d) The Executive Director of the Office of Economic Development or his or her designee; and

(e) Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority.

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members a Chair and a Vice Chair.

7. Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least four members of the Board of Directors is required to take action.

8. To the extent that money is available from public or private sources for administrative costs:

(a) Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled to receive \$100 for each full day of attending a meeting of the Board of Directors.

(b) Each member of the Board of Directors is entitled, while engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

9. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 21. 1. The Board of Directors may:

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with sections 2 to 36.5, inclusive, of this act to carry into effect the powers and purposes of sections 2 to 36.5, inclusive, of this act.

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) *Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.*

(k) *Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.*

(l) *Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.*

(m) *Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.*

(n) *Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.*

(o) *Borrow money through the issuance of bonds and other securities as provided in sections 2 to 36.5, inclusive, of this act.*

(p) *Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.*

(q) ~~Pay~~ *To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.*

(r) *Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.*

(s) *Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.*

(t) *Impose and collect fees and charges in connection with the activities of the Bank.*

(u) *Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.*

(v) *Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.*

(w) *Accept and hold, with payment of interest, money deposited with the Bank.*

(x) *Request technical advice, support and assistance from the divisions of the Department.*

(y) *Do all other things necessary or convenient to exercise any power granted or reasonably implied by sections 2 to 36.5, inclusive, of this act.*

2. *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the Bank may exercise any fiscal power granted to the Bank in sections 2 to 36.5, inclusive, of this act, without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.*

3. *This section does not authorize the Bank to be or conduct business as a:*

(a) *Bank or trust company within the jurisdiction of title 55 of NRS or under the control of an agency of United States or this State; or*

(b) *Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.*

4. *The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.*

5. *The provisions of titles 55, 56 and 57 of NRS do not apply to the Bank.*

Sec. 22. 1. *The Governor shall, to the extent that money is available from public or private sources for administrative costs, appoint an Executive Director of the Bank. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

2. *The Executive Director shall administer, manage and conduct the business and affairs of the Bank subject to the direction of the Board of Directors, any conditions that the Board of Directors may from time to time prescribe or as delegated by the Board of Directors. Except as otherwise provided in this subsection, the Executive Director may exercise any power, function or duty conferred by law on the Bank in connection with the administration, management and conduct of the business and affairs of the Bank, including, without limitation:*

(a) *Hiring, to the extent that money is available from public or private sources for administrative costs, such employees in either the classified or unclassified service of the State as are necessary to carry out the statutory purposes and powers of the Bank.*

(b) *Entering into contracts concerning investments, guarantees or credit enhancements.*

(c) *Establishing procedures, guidelines, criteria, terms, conditions or other requirements of any contract, bond, loan, grant or program in order to carry out the intents and purposes of the Bank in authorizing the contract, bond, loan, grant or other program.*

(d) *Declining to guarantee any risk or to enter into any contract.*

(e) *Reinsuring any risk or any part of any risk, as provided in section 26 of this act.*

(f) Making rules for payments through the Bank and determining to whom and through whom the payments are to be made.

(g) Investing and reinvesting any money belonging to the Bank.

(h) Entering into any contract or agreement, executing any instrument, conducting all business and affairs and performing any act necessary or convenient to carrying out the statutory purposes and powers of the Bank.

(i) Executing any instrument or performing any act necessary or convenient to carry out his or her duties pursuant to sections 2 to 36.5, inclusive, of this act.

Sec. 23. 1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund, but shall establish, without limitation:

(a) A federal highway account;

(b) A federal nonhighway account;

(c) A state and local highway account;

(d) A state and local nonhighway account;

(e) A state and local utility infrastructure account; and

(f) A federal utility infrastructure account.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to sections 2 to 36.5, inclusive, of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to section 26 of this act;

(e) Proceeds from the issuance of bonds or other securities pursuant to section 21 of this act; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in the federal accounts must be credited and invested in accordance with federal law. Earnings on state and local accounts must be deposited in the Fund to the credit of the state and local highway account, state and local nonhighway account or state and local utility infrastructure account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility or utility infrastructure ~~project~~ or for any other purpose set forth in sections 2 to 36.5, inclusive, of this act, to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 24. 1. A governmental unit, or an entity established by agreement between a governmental unit and a private entity, that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.

2. The Executive Director shall:

(a) Review each application and determine whether the transportation facility or utility infrastructure ~~project~~ described in the application is an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

Sec. 25. 1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank must enter into a financing agreement with the Bank and may be required to issue a loan obligation to the Bank. Except as otherwise provided by specific statute, a qualified borrower entering into a financing agreement with the Bank or issuing a loan obligation to the Bank may perform any act, take any action, adopt any proceedings and make and carry out any contract or agreement with the Bank as may be agreed to by the Bank and the qualified borrower for carrying out the purposes contemplated by sections 2 to 36.5, inclusive, of this act.

2. A qualified borrower may, in addition to any authorization set forth in this section, use any authorization granted by any other statute that allows the qualified borrower to borrow money and issue obligations in obtaining a loan or other financial assistance from the Bank to the extent determined necessary or useful by the qualified borrower in connection with any financing agreement or the issuance, securing or sale of a loan obligation to the Bank.

3. A qualified borrower may:

(a) Receive, apply, pledge, assign and grant security interests in its project revenues to secure its loan obligations as provided in sections 2 to 36.5, inclusive, of this act; and

(b) Impose and collect fees, rates, rents, assessments and other charges of general or special application for the operation of a qualified project, the system of which the qualified project is a part and any other revenue producing facilities from which the qualified borrower derives project revenues to meet its loan obligations under a financing agreement or to otherwise provide for the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a qualified project.

Sec. 26. 1. The Bank may provide insurance or reinsurance of loans or portions thereof, or their debt service, including, without limitation, amounts payable as premiums or penalties in the event of mandatory or optional prepayment, made to finance a qualified project, and to provide insurance or reinsurance or reserves, or portions thereof, or the yield therefrom, established to secure bonds or other securities issued to fund those loans or reserves.

2. The Bank may:

(a) Arrange an agreement for insurance or reinsurance with a user, mortgagor, lending institution, insurer or any other entity authorized to arrange such agreements in this State; and

(b) Enter into an agreement for insurance or reinsurance with any insurer authorized to reinsure or insure such risks in this State.

3. The Bank may fix a rate or rates of premium for insurance or reinsurance. The rates are not required to be uniform and may reflect any risk and classification of risk that the Bank determines to be reasonable.

4. The Bank may exercise any other power that is necessary or incidental to insurance, reinsurance and related matters.

5. The Bank shall make reasonable provisions for the security of loans made by the Bank, and any insurance, reinsurance and other financing arrangements negotiated by the Bank.

6. Any insurance or reinsurance provided by the Bank does not constitute a debt or pledge of the faith and credit of the State or any subdivision of the State.

Sec. 27. The Bank may provide security for any issue of revenue bonds by the Bank through any commonly accepted financial instrument, including, without limitation:

1. A deed of trust on the resources, facilities and revenues of one or more qualified projects financed by the Bank;

2. A credit enhancement, including, without limitation, a letter of credit, bond insurance or surety bond provided by a private financial institution; and

3. Insurance, reinsurance or a guarantee provided by the Bank itself.

Sec. 28. 1. Any obligation to a third person made by the Bank, including, without limitation, a bond or other security issued by the Bank pursuant to section 21 of this act and any insurance, reinsurance or reserve provided by the Bank pursuant to section 26 of this act:

(a) Does not constitute a debt, liability or obligation of this State or any political subdivision thereof, or a pledge of the faith and credit of this State or any political subdivision thereof, but is payable solely from the revenues or assets of the Bank; and

(b) Must contain on the face thereof a statement to the effect that the Bank is not obligated to pay the obligation or any interest thereon except from the revenues or assets, if any, pledged therefor and that neither the faith and credit nor the taxing power of this State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation.

2. Except as otherwise provided in subsection 3, this section does not prohibit the Bank from:

(a) Pledging the full faith and credit of the Bank for the satisfaction of any obligation to a third person made by the Bank; or

(b) Issuing a bond guarantee or credit enhancement for bonds issued by a qualified borrower.

3. *Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, the Bank shall not act as a surety or guarantor for a private utility or any other private company, association or corporation.*

Sec. 29. 1. *Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.*

2. *This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:*

- (a) An appropriation by the Legislature;*
- (b) Any federal law;*
- (c) A contract to which the State is a party;*
- (d) A contract to which a governmental unit or qualified borrower is a party; or*
- (e) A judgment of a court that is binding upon the State.*

Sec. 30. *The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to sections 2 to 36.5, inclusive, of this act.*

Sec. 31. *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, and notwithstanding any other provision of law, the Bank is not required to provide any notice or publication or to conduct any hearing or other proceeding before performing any act authorized in sections 2 to 36.5, inclusive, of this act.*

Sec. 32. *The Bank is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.*

Sec. 33. 1. *Except as otherwise provided in subsection 2, bonds and other securities issued by the Bank pursuant to the provisions of sections 2 to 36.5, inclusive, of this act, their transfer and the income therefrom must forever be and remain free and exempt from taxation by this State or any subdivision thereof.*

2. *The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on*

generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

Sec. 34. *Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, sections 2 to 36.5, inclusive, of this act are supplemental to, and not in lieu of, the right of any qualified borrower to issue general obligation bonds or other bonds that the qualified borrower is otherwise lawfully authorized to issue.*

Sec. 35. 1. *To the extent possible, the provisions of sections 2 to 36.5, inclusive, of this act are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure ~~(projects)~~ and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 2 to 36.5, inclusive, of this act. If there is a conflict between such other provisions and the provisions of sections 2 to 36.5, inclusive, of this act, the provisions of sections 2 to 36.5, inclusive, of this act control.*

2. *The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.*

Sec. 36. *The Board of Directors shall, not later than 90 days after the end of each fiscal year:*

- 1. Prepare a report on the operations of the Bank during that year.*
- 2. Submit the report prepared pursuant to subsection 1 to:*
 - (a) The Governor; and*
 - (b) The Director of the Legislative Counsel Bureau for transmittal to:*
 - (1) If the report is prepared in an even-numbered year, the next regular session of the Legislature; or*
 - (2) If the report is prepared in an odd-numbered year, the Legislative Commission.*

Sec. 36.5. *Any division of the Department may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.*

Sec. 36.6. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, two Deputy Directors, a Chief Engineer and the following ~~divisions~~:

- (a) Administrative Division.
- (b) Operations Division.
- (c) Engineering Division.
- (d) Planning Division.
- (e) *Nevada State Infrastructure Bank.*

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 36.7. NRS 408.116 is hereby amended to read as follows:

408.116 *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act:*

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 36.8. NRS 408.131 is hereby amended to read as follows:

408.131 ~~[The]~~ *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the* Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 36.9. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~[The]~~ *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the* Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~[(A)]~~ **Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all** contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 37. (Deleted by amendment.)

Sec. 37.1. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. The Deputy Director described in this paragraph shall coordinate the implementation of NRS 408.441 to 408.451, inclusive, with the State Department of Conservation and Natural Resources.

(d) ~~Employ~~ **Except as otherwise provided in section 22 of this act, employ** such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 37.2. NRS 408.205 is hereby amended to read as follows:

408.205 1. With the approval of the Board, the Director may execute all plans, specifications, contracts and instruments in the name of the State of Nevada necessary for the carrying out of the provisions of this chapter, except **as otherwise provided in sections 2 to 36.5, inclusive, of this act and except** those construction contracts as provided in NRS 408.327 and 408.347.

2. The Director has such other power and authority as is necessary and proper under the provisions of this chapter, or as the Board delegates to the Director.

3. The Director shall provide for the purchase of United States Savings Bonds or similar United States obligations by salary or wage deductions for

officers and employees of the Department who make written requests for such deductions and purchases. To allow all Department officers and employees the opportunity of requesting salary or wage deductions for the purchase of United States obligations, the Director shall provide forms authorizing the deductions and purchases and shall make them readily available to all Department officers and employees.

Sec. 37.3. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, except *as otherwise provided in sections 2 to 36.5, inclusive, of this act and except* those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 37.4. NRS 408.225 is hereby amended to read as follows:

408.225 Except as otherwise provided in NRS 408.323 ~~§~~ *and in sections 2 to 36.5, inclusive, of this act*, the Director, with the approval of the Board, may rent, lease, purchase and contract for all equipment, materials, supplies, vehicles, road machinery, tools, implements and technical services required for the purpose of this chapter. Such equipment, supplies and services must be managed and used under the control of the Director.

Sec. 37.5. NRS 408.265 is hereby amended to read as follows:

408.265 ~~§~~ *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all* money received from the Government of the United States and by virtue of the provisions of any Act of Congress for the engineering, planning, surveying, acquiring of property, constructing, reconstructing or improving of any highway in the State must be put into the State Treasury and become a part of the State Highway Fund and that Fund must not be used for any other purpose.

Sec. 37.6. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2 ~~§~~ *and sections 2 to 36.5, inclusive, of this act*, the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds \$50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds \$50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 37.7. NRS 338.080 is hereby amended to read as follows:

338.080 ~~None~~ ***Except as otherwise provided in section 35 of this act, none*** of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than \$250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below \$250,000.

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 38. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 39. 1. This act becomes effective upon passage and approval for the purposes of establishing the Nevada State Infrastructure Bank and appointing the Board of Directors.

2. For all other purposes, this act becomes effective on the date on which the Director of the Department of Transportation notifies the Governor and

the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Nevada State Infrastructure Bank created by section 20 of this act.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 502.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 772.

AN ACT making an appropriation to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities created by NRS 617.1675 the sum of \$80,000.

~~Sec. 2. [Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.] (Deleted by amendment.)~~

Sec. 3. This act becomes effective ~~on July 1, 2017,~~ upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 94, as amended, removes the pilot designation from the NV Grow Program, designates the program as the NV Grow Act, and repeals the prospective June 30, 2017, expiration date. This measure also requires the Small Business Development Centers in Clark

and Washoe Counties to select the lead counselor and manage the NV Grow Program jointly, expands the goal of the program from serving 10 businesses annually to 15, and reduces the minimum revenue threshold for participation in the program to businesses that generate at least \$50,000 per year.

Roll call on Assembly Bill No. 94:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 371, as amended, creates the Restore Nevada's Treasures Revolving Account in the State General Fund for the receipt of gifts, grants, or donations to be deposited into the Account by the State Land Registrar for expenses related to the acquisitions of historic buildings and expenses related to a public-private partnership.

Roll call on Assembly Bill No. 371:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 397, as amended, appropriates State General Funds in the amount of \$500,000 in each year of the 2017-2019 biennium to the Division of Public and Behavioral Health of the Department of Health and Human Services. The Administrator of the Division of Public and Behavioral Health shall use the money appropriated to award grants to local government entities and nonprofit organizations to provide certain family planning services to persons who would otherwise have difficulty obtaining such services.

The sums appropriated are available for either fiscal year. Funding not committed for expenditure after June 30, 2019, and not spent after September 20, 2019, must be reverted to the State General Fund.

The act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 397:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The bill, as amended, establishes the Nevada State Infrastructure Bank within the Department of Transportation for the purpose of providing loans and other financial assistance to various units of state and local government for the development, construction, improvement, operation, and ownership of certain transportation facilities and utility infrastructure.

Roll call on Assembly Bill No. 399:

YEAS—35.

NAYS—Krasner, Marchant, McArthur, Titus—4.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 502 appropriates \$80,000 from the State General Fund to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 502:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 502 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. 518 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 244 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblyman Sprinkle.

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

Assembly in recess at 6:13 p.m.

ASSEMBLY IN SESSION

At 6:19 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Sprinkle, Paul Anderson, and Carlton.

ASSEMBLYMAN SPRINKLE:

The General Fund appropriations included in the General Appropriations Act total \$2.44 billion in Fiscal Year 2018 and \$2.54 billion in Fiscal Year 2019, or \$4.98 billion over the 2017-2019 biennium, an increase of approximately \$544.2 million when compared to General Fund appropriations approved by the 2015 Legislature for the 2015-2017 biennium. The Act includes Highway Fund appropriations totaling \$141.13 million in Fiscal Year 2018 and \$145.72 million in Fiscal Year 2019, an increase of approximately \$4.1 million from the previous biennium.

Highlights of the spending recommendations: the Office of Workforce Innovation, \$192,000 to permanently establish the Office of Workforce Innovation to coordinate workforce development efforts, and transfer the Nevada P20 Workforce reporting budget, including General Fund appropriations of \$1.7 million, to the Office.

The Nevada System of Higher Education: revenue from all sources totaling \$1.9 billion, including \$1.2 billion in General Fund appropriations. It continues funding for the seven instructional budgets using the funding formula adopted by the 2013 and 2015 Legislatures.

Aging and Disability Services Division: \$3.4 million to support home-delivered meals programs for seniors and \$12.2 million to retain the current Early Intervention Services delivery and reimbursement model.

Division of Health Care Financing and Policy: \$1.42 billion to support a Medicaid average monthly caseload of approximately 663,000 in Fiscal Year 2018 and 679,000 in Fiscal Year 2019.

Division of Public and Behavioral Health: \$22.7 million to replace Medicaid safety net pass-through revenues; \$9.9 million to retain outpatient services in the Northern Nevada Adult Mental Health Services [NNAMHS] and Southern Nevada Adult Mental Health Services [SNAMHS] budgets, including 53.13 positions recommended for elimination; and savings of \$20.2 million due to other service reductions in NNAMHS and SNAMHS and the elimination of 126.59 positions.

Division of Child and Family Services: savings of \$3 million for the continued operation of 20 beds within the 58-bed Desert Willow Treatment Center facility, leaving 38 beds empty and available for an outside agency to operate under a provider agreement or contract.

Department of Corrections: \$584.3 million to provide housing for an average of 14,000 inmates, including \$11.4 million to fund the transfer of 200 inmates out of state to a privately contracted facility.

Department of Public Safety: \$876,000 to create the Office of Cyber Defense and \$3.4 million to support a pilot re-entry program, a state-funded electronic monitoring program, and a state-funded transitional housing program to improve and expedite the inmate release process.

Department of Conservation and Natural Resources: \$6.6 million for the Governor's Explore Your Nevada Initiative for the Division of State Parks to develop the new Walker River State Recreation Area, Tule Springs State Park and the bi-state Van Sickle State Park.

Public Employees' Benefits Program: align the monthly premiums paid by non-state, non-Medicare retirees with similarly participating—same plan and tier—state non-Medicare retirees, and approved General Funds of \$4.2 million to phase-in increased local government support of their retirees, contingent upon the passage and approval of enabling legislation.

ASSEMBLYMAN PAUL ANDERSON:

Together with my colleagues, we worked very hard on these budgets. We have made concessions and worked in good faith with our friends on both sides of the aisle and in no way do I want my statement here to dismiss these efforts. Frankly, with the amount of time and effort we have put into these budgets, it pains me to make these statements, and I do so with that in mind.

We did the work and made concessions with the understanding that we would work toward an agreement on Education Savings Accounts. While I recognize that this is not the budget that that particular account would be in, the culmination of the five budget bills certainly is part of that discussion. This budget leaves thousands of Nevada parents and students without a choice they have eagerly waited to participate in and many have elected to participate in. Because of that—and painfully, again—I cannot and my caucus will not vote today in favor of a budget.

When the Governor brought forth his spending priorities for the biennium, everyone had an opportunity to weigh in on them and contribute in ways that would lead to good conversations and workable solutions. That some of these conversations on central pieces of the budget did not happen until a week or two prior to the adjournment of this body tells me that, certainly, there were distinct differences in priorities for education. Our house, our Assembly, our Nevada Assembly, can and should do better than this. Those who sent me here expect more. I urge my colleagues to keep this in mind over the next few days as we work diligently to complete the people's business.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 518. With all respect to one of my colleagues from the committee—yes, he is absolutely correct. There was a lot of work put in. Staff worked very, very hard; every member of the committee worked hard. Everyone who testified before us had butterflies and worked very hard to make sure that the priorities in this state were funded. I was elected to come here and govern and to make sure that this state continued on, and we did our jobs. I am very proud of my committee; I am very proud of this Chamber that we did our jobs. We fulfilled our responsibilities.

I do not trade the budget for anything. It is my responsibility to get it done. Yes, in this building there are trades. We have to compromise; we have to work together. But this budget is not one of those budgets. This budget is the responsibility of everyone who stood in this Chamber at the beginning of February and put their hand up and said that they promised to do their duty in this building.

So I respectfully disagree with my colleague. I believe his comments would be much better suited towards the DSA [Distributive School Account] budget, which we will be processing in Ways and Means later today. I fully expect to have that conversation when we talk about the DSA later today. But this budget is not for trade. This budget is our responsibility to get done for the people of the state of Nevada.

Roll call on Assembly Bill No. 518:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Joiner, Ohrenschaal—3.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 8 p.m.

Motion carried.

Assembly in recess at 6:27 p.m.

ASSEMBLY IN SESSION

At 9:33 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 7, 124, 296, 303, 327, 343, 354, 467, 494.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 545 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 487 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 520—AN ACT making an appropriation to the Nevada State Museum, Las Vegas for the construction of a new playground at the

Las Vegas Springs Preserve; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 14.

Resolution read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 1084.

SUMMARY—Proposes to amend the Nevada Constitution to ensure access to affordable emergency medical care at reasonable rates to all persons in this State. (BDR C-1218)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to ensure access to affordable emergency medical care at reasonable rates to all persons in this State.

Legislative Counsel's Digest:

Existing federal law requires hospitals to provide certain services to persons who go to a hospital or independent facility for emergency medical care or who have an emergency medical condition, regardless of the ability of the person to pay and regardless of whether the person has health insurance. (42 U.S.C. § 1395dd) Existing state law requires a hospital in this State to provide emergency services and care to patients, regardless of their financial status. Existing state law further makes it a crime for a hospital to: (1) refuse to treat a patient in need of emergency services and care; (2) transfer a patient to another hospital or health facility in certain circumstances; or (3) order testing of a patient to be performed at another hospital if the hospital from which the orders are issued is capable of providing the testing. (NRS 439B.410) Existing state law further requires certain major hospitals to reduce the total billed charges by at least 30 percent for hospital services provided to certain patients who do not have insurance or any other contractual agreement with a third party for the payment of the charges. (NRS 439B.260)

This resolution proposes to amend the Nevada Constitution to guarantee persons in this State who arrive at a hospital or independent facility for emergency medical care and who are seeking medically necessary emergency services are not denied the right to receive medical ~~care and~~ services needed as a result of ~~an~~ the emergency, regardless of the ability of the patient to pay and regardless of whether the patient has insurance. In addition, this resolution provides persons in this State a right to receive such emergency medical ~~care and~~ services at a reasonable cost and with certain exceptions, guarantees that a hospital or independent facility for emergency medical care will not charge for any treatment, service or

medication or other product provided to a person who arrives at ~~at~~ the hospital or facility as a result of an emergency more than 150 percent of the ~~amount~~ lowest rate that the hospital or facility has agreed to accept from a federal public insurer for the treatment, service, medication or other product received by the patient.

This resolution ~~makes the~~ also provides that its provisions : **(1) are self-executing** ~~but~~ ; **(2) may not be waived in any manner or altered or varied by agreement; and (3) may be enforced by the State or a political subdivision and may additionally be enforced by a civil action brought by a person who is denied any right protected by this resolution.**

Finally, this resolution allows the Legislature by law to establish a different rate that may be charged for medically necessary emergency services if the Legislature establishes a commission to ensure that hospitals and independent facilities for emergency medical care provide medically necessary emergency services at a reasonable cost. However, if the Legislature does not establish a different rate by law, the state agency authorized by law to regulate the hospitals or facilities may allow a rate increase only if the hospital or facility proves that the increase is absolutely necessary to avoid a rate that is confiscatory under the United States Constitution. (U.S. Const. Amend. V, XIV) If the state agency allows such an increase, the amount of the increase must not exceed the amount that the hospital or facility proves is absolutely necessary to avoid an unconstitutional result. (Duquesne Light Co. v. Barasch, 488 U.S. 299, 307-08 (1989) (“The guiding principle has been that the Constitution protects [private companies] from being limited to a charge for their property serving the public which is so ‘unjust’ as to be confiscatory.”); Guar. Nat’l Ins. Co. v. Gates, 916 F.2d 508, 512-16 (9th Cir. 1990); Reinkemeyer v. Safeco Ins. Co., 117 Nev. 44, 50-53 (2001))

If this resolution is passed by the 2017 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

WHEREAS, The charges for health care services rendered as a result of an emergency are often exorbitant; and

WHEREAS, Persons in the State of Nevada, some of whom are not indigent but do not have health insurance or are underinsured are often made to pay highly inflated prices for emergency medical care; and

WHEREAS, Such exorbitant pricing discourages persons from seeking necessary care and can be devastating financially to those who do seek such care; and

WHEREAS, It is of the utmost importance that all persons in this State have access to affordable health care services at reasonable rates when needed as a result of an emergency; and

WHEREAS, It is unconscionable for hospitals and independent facilities for emergency medical care to charge inflated **and unreasonable** rates for health care services provided as a result of an emergency to middle and lower income persons to subsidize the lower rates paid by public and private insurers; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 17, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 17. 1. No hospital or independent facility for emergency medical care shall deny treatment or services to a person who arrives at the hospital or facility seeking medically necessary emergency services, regardless of whether the person has health insurance and regardless of the ability of the person to pay for such services.

2. All persons in this State have a right to receive medically necessary emergency ~~medical care and~~ services at a reasonable cost, and except as otherwise provided in subsection 3, no hospital or independent facility for emergency medical care shall charge for any treatment, service or medication or other product provided to a person who arrives at ~~for~~ the hospital or facility seeking medically necessary emergency services, whether or not the person has insurance, an amount which is ~~greater~~ :

(a) Greater than 150 percent of the lowest rate which the hospital or facility has agreed to accept from a federal public insurer for the treatment, service or medication or other product ~~for~~ ; or

(b) If the Legislature provides by law for a different rate pursuant to subsection 5, greater than the rate provided by law.

3. If the Legislature has not provided by law for a different rate pursuant to subsection 5, the state agency authorized by law to regulate the hospital or independent facility for emergency medical care may allow the hospital or facility to increase the rate above the rate provided in paragraph (a) of subsection 2 only if the hospital or facility proves that the increase is absolutely necessary to avoid a rate that is confiscatory under the Constitution of the United States. If the state agency allows such an increase, the amount of the increase must not exceed the amount that the hospital or facility proves is absolutely necessary to avoid an unconstitutional result.

4. The provisions of subsections 1, 2 and ~~2 are~~ 3:

(a) Are self-executing.

(b) May not be waived in any manner or altered or varied by agreement.

(c) May be enforced by:

(1) The State of Nevada or a political subdivision of the State of Nevada.

(2) A civil action brought by a person who is denied any right protected by those provisions.

5. The Legislature ~~may~~ :

(a) Shall provide by law for the administration and enforcement of the provisions of this section.

(b) May provide by law for a different rate than the rate provided in paragraph (a) of subsection 2 if the Legislature establishes, by law, a commission to ensure that hospitals and independent facilities for emergency medical care provide medically necessary emergency services at a reasonable cost. If such a commission is established, the Legislature shall provide by law for ~~the~~ :

(1) The appointment of the members of the commission; and ~~fix, by law, their~~

(2) The powers and duties of the commission consistent with the provisions of this section.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolution No. 14 be taken from its position on the General File and placed at the top of the General File.

Motion carried

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblymen Araujo, Edwards, and Carlton.

ASSEMBLYMAN ARAUJO:

Assembly Joint Resolution 14 proposes to amend the *Nevada Constitution* to provide that no hospital or independent facility for emergency medical care shall deny medically necessary emergency treatment or services to a person, regardless of whether the person has health insurance and regardless of the person's ability to pay for such services.

The resolution provides that all persons in Nevada have a right to receive emergency medical care at a reasonable cost. No hospital or independent facility shall charge an amount greater than 150 percent of the lowest rate the hospital or facility has agreed to accept from a federal insurer or the rate provided by law, whichever is greater. If the Legislature has not provided a rate by law, the state agency authorized to regulate hospitals or independent facilities may allow an increase in the rate if the facility proves it is necessary to avoid a rate deemed confiscatory under the *United States Constitution*.

These provisions may not be waived or varied by agreement. They may be enforced by the state of Nevada or a political subdivision. They may also be enforced by a civil action brought by a person who is denied any protected rights. The Legislature shall provide for the administration and enforcement of the provisions and may provide for a different rate if it establishes a commission to ensure compliance.

ASSEMBLYMAN EDWARDS:

Assembly Joint Resolution 14 has some really good intentions, and it would be really great if we could implement those intentions, but this is definitely the wrong execution of the right idea. This would have a disastrous effect on the hospital industry, the medical industry, and the doctors who want to be here. If we are trying to build medical access, we cannot discourage doctors from coming here by telling them that the prices that they will be paid will be insufficient to even run their businesses. This resolution tells doctors to stay away from Nevada. This resolution is going to tell the hospitals, Start closing down your operations because we will not pay you enough to keep them open.

This will have absolutely disastrous effects if this comes into play. I ask every one of you to think about the future and all the money that we put into UNLV's medical school, all the money that we are putting into the residency programs. Think of how much of that money is going to be wasted—all of it. We will get every doctor here to start thinking about moving to another state. I just do not know how many times we have to see socialism fail before we will refuse to jump on that bandwagon. This will fail. This will fail Nevada; this will fail us all.

ASSEMBLYWOMAN CARLTON:

I rise in support of A.J.R. 14. I have worked very, very hard on this issue, and there has been another piece of legislation moving through this body that has the total intent of taking the patient out of the middle. Assembly Joint Resolution 14 will take this to a vote of the people. We have debated this issue in this body for as long as I have been here. We need to finally have some resolution, and if a vote of the people is good for other things, then a vote of the people is good for this also. We need to let them weigh in on what has been happening to them when they get caught in the middle of these bill charges.

And to correct the previous speaker, this does not apply to doctors. It only applies to hospitals and facilities. This is not socialized medicine. This is negotiation on bill charges. There is no socialized medicine here. I just want to make sure the body is very clear what this A.J.R. actually does. It allows the people of this state—no matter what happens to that other piece of legislation in this body—to have input on this very important issue. I think that is important to take home to our folks.

Roll call on Assembly Joint Resolution No. 14:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 97, as amended, requires a law enforcement agency to submit a certain sexual assault forensic evidence kit—a SAFE kit—to a forensic laboratory within 30 days after receiving the kit. The bill requires each forensic laboratory that receives a SAFE kit to test the kit within 120 days of receiving it and then upon completion of the test, include the DNA profile obtained from the genetic marker analysis in the State DNA Database and the Federal Bureau of Investigation's Combined DNA Index System, otherwise known as CODIS. Assembly Bill 97, as amended, appropriates \$3 million from the State General Fund to the Office of the Attorney General for the purpose of making payments to forensic laboratories to process SAFE kits in a timely matter.

The bill requires each forensic laboratory to submit a report on the status and number of SAFE kits to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature or to the Legislative Commission, as applicable. Further, the legislation authorizes the Department of Administration to order the payment of up to \$10,000 from the Fund for the Compensation of Victims of Crime to a county for the reimbursement of costs associated with conducting forensic medical examinations of victims of sexual assault.

The bill will become effective on October 1, 2017.

Roll call on Assembly Bill No. 97:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Assembly Bill No. 97 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 Senate Bill No. 394 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 394.

Bill read third time.

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

Amendment No. 1058.

AN ACT relating to health insurance; requiring health maintenance organizations to provide certain data relating to health insurance claims to the person responsible for overseeing the health care plan of certain group purchasers of health insurance upon request; **prohibiting the further disclosure of such data except in certain circumstances; requiring the Commissioner of Insurance to impose an administrative penalty against a person who engages in the unauthorized disclosure of such data;** requiring the Legislative Committee on Health Care to study certain issues relating to health care during the 2017-2018 interim; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~1.1~~ **1.3** of this bill requires a health maintenance organization which provides a health care plan to certain large employers or multiple employer trusts to provide to the person responsible for overseeing the health care plan for the employer or trust upon request, not more than once every ~~3 months,~~ **year,** either: (1) all claims data relating to the enrollees of the health care plan; or (2) sufficient data for the employer or trust to calculate the cost of providing certain medical services through the health maintenance organization. Section ~~1.1~~ **1.3** requires such data to: (1) be free of any personally identifiable information; (2) comply with all other federal and

state laws concerning privacy; and (3) be easily accessible. ~~Section 1.3~~ **Section 1.3** also requires a health maintenance organization to prepare and provide, under certain circumstances, an annual report relating to the cost and percentage trends in such data. **Section 1.6 of this bill prohibits the further disclosure of data provided pursuant to section 1.3 to any person other than a person responsible for making decisions about the health care plan, except as otherwise authorized by the health maintenance organization that provided the data or ordered by a court. Section 1.6 also establishes a schedule of administrative and criminal penalties to be imposed against a person who engages in unauthorized disclosure of such data. The penalty imposed depends on the culpability of the person who disclosed the data, the nature and extent of the disclosure and the harm caused by the disclosure.**

Section 2 of this bill requires the Legislative Committee on Health Care to study certain issues relating to: (1) making a program similar to the Medicaid managed care program which is currently available to certain low-income persons in this State available to persons who are not eligible for Medicaid; and (2) ensuring the same level of health insurance coverage which is currently available in this State pursuant to the Patient Protection and Affordable Care Act (Public Law 111-148, as amended) is maintained if the Affordable Care Act is repealed by Congress. **Section 2** requires the Legislative Committee on Health Care to submit a report relating to these issues to the Director of the Legislative Counsel Bureau by not later than September 1, 2018.

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

Section 1. Chapter 695C of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.6 of this act.**

*Sec. 1.3. 1. ~~[Except as otherwise provided in subsection 4, not more than once every 3 months.]~~ **Notwithstanding any other provision of law that provides for the confidentiality of the information described in this section, a health maintenance organization shall, except as otherwise provided in subsection 4, provide to the person responsible for overseeing the health care plan for a group purchaser upon written request from that person ~~[+] not more than once each year:~~***

(a) All claims data relating to the enrollees in a health care plan provided by the health maintenance organization pursuant to a contract with the group purchaser; or

(b) Sufficient data relating to the claims of enrollees in the health care plan to allow the group purchaser to calculate the cost-effectiveness of the benefits provided by the health maintenance organization. Such data must include, without limitation:

(1) *Data necessary to calculate the actual cost of obtaining medical services through the health maintenance organization, organized by medical service and category of disease;*

(2) *Data relating to enrollees in the health care plan who receive care, including, without limitation, demographics of such enrollees, prescriptions, office visits with a provider of health care, inpatient services and outpatient services, as used by the health maintenance organization to make calculations which are required to comply with the risk adjustment, reinsurance and risk corridor requirements of 42 U.S.C. §§ 18061, 18062 and 18063; and*

(3) *Such data as used to establish an experience rating for the enrollees in the health care plan, including, without limitation, coding relating to diagnostics and procedures, the total cost charged to any person for each drug, device or service made available by the health care plan and all reimbursements made to a provider of health care for such drugs, devices or services.*

2. *If a written request is made pursuant to subsection 1, the health maintenance organization must also provide an annual report relating to the ~~quarterly~~ data required to be made available pursuant to subsection 1, which must include, without limitation, sufficient detail to demonstrate the annual changes in the cost and the percentage of increase or decrease, as applicable, for each category of information made available pursuant to subsection 1.*

3. *A health maintenance organization shall provide the data required by this section in an aggregated form which complies with federal and state law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations.*

4. *Before providing any data pursuant to subsection 1, a health maintenance organization shall ensure that a professional statistician examines the data to confirm that such data cannot be used to identify and does not provide a reasonable basis upon which to identify a person whose information is included in the report. If the professional statistician is not able to make such a confirmation, the data must not be provided by the health maintenance organization until such confirmation is obtained.*

5. *A health maintenance organization must provide the data required by this section in a format which is easily searchable electronically or on a secure Internet website. A health maintenance organization may only provide the data described in this section relating to the health care plan of a group purchaser to the person responsible for overseeing the health care plan for the group purchaser and not relating to the health care plan of any other group purchaser.*

6. *A group purchaser must have policies and procedures in place which are compliant with federal law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law*

104-191, and the regulations adopted pursuant thereto, and the laws of this State to ensure the privacy and security of the data made available to the person responsible for overseeing the health care plan for a group purchaser pursuant to this section.

7. As used in this section, "group purchaser" means:

(a) An employer that employs at least 1,000 employees, at least 300 of whom are enrolled in a health care plan which is offered by a health maintenance organization; or

(b) A group of employers that cumulatively employ at least 500 employees and which has formed a trust for the purpose of funding health care benefits for at least 300 employees who are enrolled in a health care plan which is offered by a health maintenance organization.

Sec. 1.6. 1. Except as otherwise provided in subsection 2:

(a) A person responsible for overseeing a health care plan for a group purchaser shall not disclose data made available to the person pursuant to section 1.3 of this act to any other person except for a person responsible for making decisions about the health care plan.

(b) A person responsible for making decisions about a health care plan for a group purchaser shall not further disclose data disclosed to the person pursuant to paragraph (a) to any other person except for another person responsible for making decisions about the health care plan.

2. A person described in subsection 1 may disclose data made available to the person pursuant to that subsection or section 1.3 of this act to another person not described in that subsection if:

(a) The health maintenance organization that provided the data agrees to the disclosure; or

(b) The disclosure is ordered by a court of competent jurisdiction.

3. Except as otherwise provided in subsections 4 to 7, inclusive, the Commissioner shall impose against any person who violates the requirements of this section:

(a) If the person did not know of the violation and would not have known about the violation if he or she had exercised reasonable diligence, an administrative penalty of not less than \$100 and not more than \$50,000 per violation.

(b) If the person knew of the violation or should have known about the violation if he or she had exercised reasonable diligence but the violation is not due to willful neglect, an administrative penalty of not less than \$1,000 and not more than \$50,000 per violation.

(c) If the violation is due to willful neglect, an administrative penalty of \$50,000 per violation.

4. If a person who violates the requirements of this section corrects the violation not later than 30 days after the person knew of the violation or should have known of the violation if he or she had exercised reasonable diligence, or another date determined by the Commissioner, the Commissioner:

(a) Shall not impose an administrative penalty if the violation is not due to willful neglect.

(b) Except as otherwise provided in subsection 5, shall impose an administrative penalty of not less than \$10,000 and not more than \$50,000 per violation if the violation is due to willful neglect.

5. Administrative penalties imposed pursuant to this section against a person must not exceed \$1,500,000 in a calendar year.

6. The Commissioner:

(a) Shall make a determination of the amount of an administrative penalty imposed pursuant to this section based upon the nature and extent of the violation and the harm resulting from the violation; and

(b) May reduce any administrative penalty imposed for a violation of the requirements of this section, other than a violation due to willful neglect, if the Commissioner determines that the amount prescribed by subsection 3 is excessive.

7. The Commissioner shall not impose an administrative penalty for a violation for which a penalty has been imposed pursuant to subsection 8.

8. Any person who knowingly violates the requirements of this section:

(a) Except as otherwise provided in paragraphs (b) and (c), is guilty of a gross misdemeanor and may be fined not more than \$50,000.

(b) If the violation is committed under false pretenses, is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000.

(c) If the violation is committed with intent to sell, transfer or use the data for commercial advantage, personal gain or malicious harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$250,000.

Sec. 2. 1. The Legislative Committee on Health Care shall, during the 2017-2018 interim, study opportunities for:

(a) The establishment of a program similar to the Medicaid managed care program authorized by NRS 422.273 to be made available through the Silver State Health Insurance Exchange established by NRS 695I.200 to a person who is otherwise ineligible for Medicaid;

(b) A person who is determined eligible for advance payments of the premium tax credit and cost-sharing reductions pursuant to 45 C.F.R. § 155.305 to use such credits and reductions to pay for coverage obtained through the program described in paragraph (a); and

(c) The Nevada Legislature to ensure the current level of health insurance coverage provided in this State pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, as it existed on the effective date of this act, is maintained if the Affordable Care Act is repealed by Congress.

2. The Legislative Committee on Health Care shall conduct the study required pursuant to subsection 1 in consultation with:

- (a) The Department of Health and Human Services;
- (b) The Division of Insurance of the Department of Business and Industry;
- (c) The Silver State Health Insurance Exchange; and
- (d) Any other entity identified by the Committee which has expertise in the topics listed in subsection 1.

3. The Legislative Committee on Health Care shall submit a report of the results of the study required pursuant to subsection 1 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislature not later than September 1, 2018.

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

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 394.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 394 requires, upon written request, a health maintenance organization to provide certain data to the person responsible for overseeing the health care plan for a group purchaser. The data must be provided in an aggregated form that complies with federal and state law, including the Health Insurance Portability and Accountability Act of 1996.

Roll call on Senate Bill No. 394:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 394 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 Senate Bills Nos. 106, 212, 368, 410, 428, and 541 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

Senate Bill No. 106.

Bill read third time.

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

Amendment No. 1008.

SUMMARY—~~[Requires certain increases in]~~ **Revises provisions governing** the minimum wage **required to be** paid to employees in private employment in this State. (BDR 53-865)

AN ACT relating to employment; requiring certain increases in the minimum wage paid to employees in private employment in this State; **revising provisions governing a civil action brought by an employee whose employer violates the requirement to pay the minimum wage;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage that may be paid per hour to an employee in private employment in this State. (NRS 608.250) ~~[This]~~ **Section 1 of this** bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for such an employee is increased by 75 cents each year for 5 years or until the minimum wage: (1) is \$12 or more, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner; and (2) is \$11 or more, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Section 16 of Article 15 of the Nevada Constitution provides that an employee claiming that he or she was paid less than the minimum wage required by that provision may bring a civil action against his or her employer. Under this constitutional provision, if the employee prevails in such a civil action, the employee: (1) is entitled to all legal and equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) must be awarded reasonable attorney's fees and costs. (Nev. Const. Art. 15, § 16) Section 1.5 of this bill would enact into statute the language of the minimum wage provision of the Nevada Constitution: (1) authorizing an employee who prevails in a civil action to recover all legal or equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) requiring a court to award reasonable attorney's fees and costs to an employee who prevails in such a civil action.

Section 2 of this bill provides that this bill becomes effective on January 1, 2018.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage that may be paid per hour pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to whom those

regulations apply is increased by 75 cents each year until the minimum wage that may be paid per hour pursuant to NRS 608.250 is:

1. If the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$12 or more; and

2. If the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$11 or more.

Sec. 1.5. NRS 608.260 is hereby amended to read as follows:

608.260 **1.** If any employer pays any employee a lesser amount than the minimum wage prescribed by regulation of the Labor Commissioner pursuant to the provisions of NRS 608.250, the employee may, at any time within 2 years, bring a civil action ~~to recover the difference between the amount paid to the employee and the amount of the minimum wage.~~ **against his or her employer.** A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

2. If the employee prevails in a civil action brought pursuant to subsection 1:

(a) The employee is entitled to all remedies available under the law or in equity appropriate to remedy the violation by the employer, including, without limitation, back pay, damages, reinstatement or injunctive relief; and

(b) The court must award the employee reasonable attorney's fees and costs.

Sec. 2. This act becomes effective ~~upon passage and approval.~~ **on January 1, 2018.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1018.

AN ACT relating to the welfare of pupils; expanding the scope of the Safe-to-Tell Program; requiring the appointment of a team at each public school to receive reports from the Program; providing immunity from civil liability to such a team and its members; providing for the establishment of a support center to receive reports to the Program; requiring the Director of the Office for a Safe and Respectful Learning Environment of the Department of Education to provide certain training; requiring that certain plans used by schools in responding to a crisis or emergency include procedures for responding to a suicide of certain persons; authorizing a provider of mental

health services to provide services to a school after a crisis, emergency or such a suicide; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office for a Safe and Respectful Learning Environment of the Department of Education to establish the Safe-to-Tell Program. The Program enables any person to report anonymously to the Program any dangerous, violent or unlawful activity which occurs or is threatened on school property, at an activity sponsored by a public school or on a school bus. (NRS 388.1455) **Sections 10 and 11** of this bill additionally allow a person to report to the Program any such activity which is conducted or threatened by a pupil who is enrolled at a public school.

Section 4 of this bill requires the appointment of a team of at least 3 members of the staff of each public school in this State to receive notice of any report submitted to the Program concerning the school. **Section 4** also requires this team to include: (1) a school counselor, psychologist, social worker or similar person, if the school employs such a person on a full-time basis; and (2) a school administrator. **Section 11** requires that information reported to the Program be promptly forwarded to the members of such a team, law enforcement agencies and certain other persons. **Section 11** also requires the Director to provide to each member of such a team training concerning the appropriate response to such a report. **Section 4.5** of this bill provides civil immunity to the team and the members of the team for any act or omission relating to the duties required pursuant to **section 4** of this bill.

Existing law authorizes the Director to enter into an agreement to operate a hotline or call center to receive reports through the Program. (NRS 388.1455) **Section 11** requires the Director to establish and operate a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application ~~[, electronic mail address]~~ and ~~[support center] text messaging application,~~ or to enter into an agreement with a qualified organization to operate the support center, which includes, without limitation, a hotline, Internet website, mobile telephone application ~~[, electronic mail address]~~ and ~~[support center] text messaging application.~~ **Section 4** requires the board of trustees of a school district or the governing body of a charter school to ensure that the telephone number of the hotline is: (1) printed on the back of each identification card provided to a pupil or member of the staff of a public school; and (2) posted in a conspicuous manner in certain locations around the school. **Section 5** of this bill establishes requirements concerning the operation of the support center. **Section 11** requires the Director to provide to teachers, pupils, family members and certain other persons training concerning the procedure for making a report and collaborating to prevent dangerous, violent or unlawful activity.

Existing law requires the board of trustees of a school district or the governing body of a charter school or a private school to establish a committee to develop a plan for schools in the school district or the charter

school, as applicable, to use in responding to a crisis or emergency. (NRS 388.241, 388.243, 394.1685, 394.1687) **Sections 14 and 27** of this bill require such a plan to also include provisions for making counseling and other services available to pupils after a crisis, emergency or suicide of a pupil, teacher or other member of the community of a school. Additionally, **sections 14 and 27** require the committee, in developing such a plan, to conduct a survey of the resources, including counseling, that could be made available to assist with recovery from a crisis, emergency or suicide. **Sections 13 and 26** of this bill make conforming changes.

Existing law requires the Department to develop a model plan for the management of a crisis or emergency. (NRS 388.253) **Section 18** of this bill requires the model plan to include procedures for providing pupils and staff with access to counseling and other resources after a crisis, emergency or suicide.

Existing law requires the principal of a public or private school or his or her designated representative to contact all appropriate local agencies to respond to a crisis or emergency. (NRS 388.257, 394.1687) **Sections 20 and 28** of this bill: (1) require the principal or his or her representative to also contact appropriate local agencies if a pupil, teacher or other member of the school community commits suicide; and (2) requires the local agencies contacted to include a provider of mental health services which is operated by a state or local agency. **Section 31** of this bill authorizes an agency which provides child welfare services to provide counseling and other services to pupils and staff upon being contacted by the principal or his or her designated representative after a crisis, emergency or suicide.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *“Public safety agency” has the meaning ascribed to it in NRS 388.2345.*

Sec. 3. *“Support center” means the support center established and operated pursuant to NRS 388.1455.*

Sec. 4. 1. *The board of trustees of a school district or the governing body of a charter school shall:*

(a) Appoint a team of at least three members of the staff of each public school, other than a charter school, that is located in the school district or of the charter school, as applicable, including, without limitation, a school counselor, psychologist, social worker or a similar person, if the school employs such a person on a full-time basis, and a school administrator. The team must receive notification if the support center receives a report of any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of the school, at an activity

sponsored by the school, on a school bus of the school or by a pupil enrolled at the school.

(b) Ensure that information concerning the Program, including, without limitation, the telephone number for the hotline established pursuant to NRS 388.1455:

(1) Appears on the back of any identification card issued to pupils and staff at the school; and

(2) Is posted in conspicuous locations around the school, which may include, without limitation, the front office, the cafeteria or a school bus.

2. Upon receiving notification from the support center of dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of a public school, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school, a member of the appropriate team appointed pursuant to paragraph (a) of subsection 1 shall take appropriate action in accordance with the training he or she has received pursuant to NRS 388.1455 to respond to the activity or threat.

3. The team appointed pursuant to paragraph (a) of subsection 1 may:

(a) Include a person appointed by the public school pursuant to NRS 388.247 to a committee to review the plan developed for the school pursuant to NRS 388.243.

(b) Allow another person to temporarily serve on the team if a member of the team is unavailable.

Sec. 4.5. The team appointed pursuant to section 4 of this act and each member of the team are immune from civil liability for any damages resulting from an act or omission of the team or the member or another member of the team in performing the duties set forth in NRS 388.1455 and section 4 of this act.

Sec. 5. The support center must:

1. Be capable of receiving reports made using the hotline, Internet website, ~~and~~ mobile telephone application and text messaging application established pursuant to NRS 388.1455; ~~and through electronic mail;~~

2. Be available to receive reports and staffed with trained personnel 24 hours a day, 7 days a week, including holidays and other days when school is not in session;

3. Establish a process for handling a report if personnel at the support center are unable to determine the location of the school or the person about whom the report is made, or if the report concerns a private school or an entity other than a school;

4. Train personnel at the support center who are involved in responding to reports to follow up on each report by gathering information necessary to determine the validity of the report and the severity of any threat;

5. Use a software system that is resistant to hacking and copying of information to protect the anonymity of persons who submit reports;

6. Develop and implement a standardized procedure for tracking the outcome of reports;

7. Compile statistics to determine:

(a) The most frequent days of the week on which reports are made;

(b) The most frequent times of the day for making reports;

(c) The types of dangerous, violent or unlawful activity that are reported and the frequency of reports of each type of dangerous, violent or unlawful activity;

(d) The frequency with which reports are submitted using the hotline, Internet website, mobile telephone application and ~~electronic mail,~~ text messaging application, respectively; and

(e) The outcome of reports;

8. Submit to the Director a quarterly report that contains the information compiled pursuant to subsection 7 and any other information necessary for the Director to evaluate the Program or that is requested by the Director; and

9. Provide each report received to the appropriate law enforcement agency.

Sec. 6. (Deleted by amendment.)

Sec. 7. "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 8. "Suicide" means the suicide of a pupil, teacher or other member of the community of a public school.

Sec. 9. NRS 388.1451 is hereby amended to read as follows:

388.1451 As used in NRS 388.1451 to 388.1459, inclusive, **and sections 2 to 5, inclusive, of this act**, unless the context otherwise requires, the words and terms defined in NRS 388.1452 and 388.1453 **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 10. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, ~~or~~ on a school bus of a public school **or by a pupil enrolled at a public school** is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

3. It is the intent of the Legislature in enacting NRS 388.1451 to 388.1459, inclusive, **and sections 2 to 5, inclusive, of this act**, to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities,

conducted on school property, at an activity sponsored by a public school , ~~or~~ on a school bus of a public school ~~or~~ **or by a pupil enrolled at a public school.**

Sec. 11. NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school , ~~or~~ on a school bus of a public school ~~or~~ **or by a pupil enrolled at a public school.** Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and NRS 388.1458, must not be disclosed to any person.

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies ~~and~~ , **the Department and other appropriate state agencies**, school administrators ~~or~~ **and other school employees, including, without limitation, the teams appointed pursuant to section 4 of this act;** and

(b) The identity of a person who reports information to the Program:

(1) Is not known by any person designated by the Director to operate the Program;

(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and

(3) Is not disclosed to any person.

3. On behalf of the Program, the Director ~~may~~ **or his or her designee shall establish and operate a support center that meets the requirements of section 5 of this act, which includes, without limitation, a hotline, Internet website, mobile telephone application and ~~support center that meets the requirements of section 5 of this act~~ text messaging application** or enter into ~~agreements~~ **an agreement** with ~~any~~ **an** organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will **establish and operate such a support center, which includes, without limitation,** a hotline ~~or call~~ , **Internet website, mobile telephone application ~~, electronic mail address~~ and ~~support center that will~~ text messaging application.** **The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application ~~and electronic mail~~ and text messaging application** and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding ~~the~~ :

(a) *The* Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

(b) *Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to section 4 of this act.*

(c) *The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and ~~electronic mail~~ text messaging application and collaborating to prevent dangerous, violent and unlawful activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.*

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director; ~~and~~

(b) Provide to each public school educational materials regarding the Program, including, without limitation, *information about* the telephone number , *address of the Internet website, mobile telephone application, ~~electronic mail address~~ text messaging application* and any other methods by which a report may be made ~~[-]~~; *and*

(c) *On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report containing a summary of the information reported to the Director pursuant to section 5 of this act during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the Program.*

6. As used in this section:

(a) “Public safety agency” has the meaning ascribed to it in NRS 239B.020.

(b) “Public safety answering point” has the meaning ascribed to it in NRS 707.500.

Sec. 12. NRS 388.229 is hereby amended to read as follows:

388.229 As used in NRS 388.229 to 388.261, inclusive, *and sections 7 and 8 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.235, inclusive, *and sections 7 and 8 of this act* have the meanings ascribed to them in those sections.

Sec. 13. NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish a development committee to develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis , ~~or an~~ emergency ~~[-]~~ *or suicide*. The governing body of each charter school shall establish a development committee to develop a plan to be used

by the charter school in responding to a crisis , ~~for an~~ emergency ~~[-]~~ *or suicide.*

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers; and

(h) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A counselor of a school in the school district or of the charter school;

(b) A psychologist of a school in the school district or of the charter school;

(c) A licensed social worker of a school in the school district or of the charter school;

(d) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

Sec. 14. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis , ~~for an~~ emergency ~~[-]~~ *or suicide.* Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis , ~~for an~~ emergency ~~[-]~~

or suicide. Each development committee shall, when developing the plan : ~~consult with:~~

(a) ~~The~~ **Consult with** local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) ~~The~~ **Consult with the** director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(c) **Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.**

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school; ~~and~~

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency ~~;~~;

(d) **The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide; and**

(e) **A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide.**

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in NRS 388.249 and 388.251, each public school ~~, including, without limitation, each charter school,~~ must comply with the plan developed for it pursuant to this section.

Sec. 15. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management,

with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.261, inclusive, **and sections 7 and 8 of this act** at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions

from any public or private source to carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[,]~~, **and sections 7 and 8 of this act.**

Sec. 16. NRS 388.247 is hereby amended to read as follows:

388.247 1. The principal of each public school ~~[, including, without limitation, each charter school,]~~ shall establish a school committee to review the plan developed for the school pursuant to NRS 388.243.

2. The membership of a school committee must consist of:

- (a) The principal of the school;
- (b) Two licensed employees of the school;
- (c) One employee of the school who is not a licensed employee and who is not responsible for the administration of the school;
- (d) One school police officer of the school if the school has school police officers; and
- (e) One parent or legal guardian of a pupil who is enrolled in the school.

3. The membership of a school committee may also include any other person whom the principal of the school deems appropriate, including, without limitation:

- (a) A member of the board of trustees of the school district in which the school is located or a member of the governing body of the charter school;
- (b) A counselor of the school;
- (c) A psychologist of the school;
- (d) A licensed social worker of the school;
- (e) A representative of a local law enforcement agency in the county, city or town in which the school is located; and
- (f) A pupil in grade 10 or higher from the school if the school includes grade 10 or higher.

4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee. Each school committee may adopt rules for its own management and government.

Sec. 17. NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed for the school pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan, consult with:

- (a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.
- (b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the

deviation is approved by the development committee pursuant to NRS 388.251.

4. Each public school ~~[, including, without limitation, each charter school,]~~ shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 18. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of ~~[a]~~:

(a) *A suicide; or*

(b) *A crisis or ~~[an]~~ emergency that involves a public school ~~[, including, without limitation, a charter school,]~~ or a private school and that requires immediate action.*

2. The model plan must include, without limitation, a procedure for:

(a) *In response to a crisis or emergency:*

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

~~[(b)]~~ (2) Accounting for all persons within a school;

~~[(c)]~~ (3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

~~[(d)]~~ (4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

~~[(e)]~~ (5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

~~[(f)]~~ (6) Reunifying a pupil with his or her parent or legal guardian;

~~[(g)]~~ (7) Providing any necessary medical assistance;

~~[(h)]~~ (8) Recovering from a crisis or ~~[an]~~ emergency;

~~[(i)]~~ (9) Carrying out a lockdown at a school in which persons are not allowed to enter or exit the school;

~~[(j)]~~ *and*

(10) Providing shelter in specific areas of a school; ~~and~~

~~[(k)]~~ (b) Providing specific information relating to managing a crisis or ~~[an]~~ emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate ~~[-~~
~~—2—~~ ; and

(c) Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

~~{3-}~~ 4. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

~~{4-}~~ 5. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 19. NRS 388.255 is hereby amended to read as follows:

388.255 1. The State Board shall adopt regulations setting forth requirements for:

(a) The plan required to be developed pursuant to NRS 388.243; and

(b) Reviewing and approving a deviation pursuant to NRS 388.251.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis , ~~for an~~ emergency ~~[-]~~ **or suicide.**

Sec. 20. NRS 388.257 is hereby amended to read as follows:

388.257 1. If a crisis or an emergency that requires immediate action occurs at a public school ~~[-including, without limitation, a charter school,]~~ **or a suicide occurs**, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 388.243 and in accordance with any deviation approved pursuant to NRS 388.251, contact all appropriate local agencies , **including, without limitation, a provider of mental health services which is operated by a state or local agency**, to respond to the crisis , ~~for the~~ emergency ~~[-]~~ **or suicide.**

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted

is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 388.253 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis, ~~for an~~ emergency *or suicide* that occurs at a public school or notifies a public school regarding a crisis, ~~for an~~ emergency *or suicide* that occurs outside of the public school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any other public school ~~[, including, without limitation, a charter school,]~~ or any private school of the crisis, ~~for~~ emergency ~~[,]~~ *or suicide*. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis, ~~for~~ emergency ~~[,]~~ *or suicide*.

Sec. 21. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and NRS 388.229 to 388.261, inclusive, *and sections 7 and 8 of this act* must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

“Suicide” means the suicide of a pupil, teacher or other member of the community of a private school.

Sec. 25. NRS 394.168 is hereby amended to read as follows:

394.168 As used in NRS 394.168 to 394.1699, inclusive, **and section 24 of this act**, unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1683, inclusive, **and section 24 of this act** have the meanings ascribed to them in those sections.

Sec. 26. NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish a development committee to develop a plan to be used by the private school in responding to a crisis, ~~for an~~ emergency ~~[-]~~ **or suicide.**

2. The membership of a development committee consists of:

- (a) At least one member of the governing body;
- (b) At least one administrator of the school;
- (c) At least one teacher of the school;
- (d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;
- (e) At least one parent or legal guardian of a pupil who is enrolled in the school;
- (f) At least one representative of a local law enforcement agency in the county in which the school is located; and
- (g) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the governing body deems appropriate, including, without limitation:

- (a) A counselor of the school;
- (b) A psychologist of the school;
- (c) A licensed social worker of the school;
- (d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; and
- (e) An attorney or judge who resides or works in the county in which the school is located.

4. The governing body of each private school shall determine the term of each member of the development committee that it established. Each development committee may adopt rules for its own management and government.

Sec. 27. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each development committee shall develop a plan to be used by its school in responding to a crisis, ~~for an~~ emergency ~~[-]~~ **or suicide.** Each development committee shall, when developing the plan : ~~consult with~~

- (a) ~~The~~ **Consult with** local social service agencies and local public safety agencies in the county in which its school is located.
- (b) ~~The~~ **Consult with the** director of the local organization for emergency management or, if there is no local organization for emergency

management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; and

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 28. NRS 394.1696 is hereby amended to read as follows:

394.1696 1. If a crisis or an emergency that requires immediate action occurs at a private school ~~[-]~~ ***or a suicide occurs***, the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies , ***including, without limitation, a provider of mental health services which is operated by a state or local agency***, to respond to the crisis , ~~for the~~ emergency ~~[-]~~ ***or suicide***.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 388.253 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis, ~~for an~~ emergency *or suicide* that occurs at a private school or notifies a private school regarding a crisis, ~~for an~~ emergency *or suicide* that occurs outside of the private school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any public school ~~including, without limitation, a charter school,~~ or any other private school of the crisis, ~~for~~ emergency ~~or~~ *suicide*. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis, ~~for~~ emergency ~~or~~ *suicide*.

Sec. 29. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, **and section 24 of this act** must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 30. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created in the State General Fund the Emergency Assistance Account. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account created pursuant to NRS 353.2735 to the Emergency Assistance Account in an amount not to exceed \$500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the Emergency Assistance Account. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph (c), all expenditures from the Emergency Assistance Account must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Emergency Assistance Account must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster; and

(c) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Emergency Assistance Account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed \$250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of NRS 388.229 to 388.261, inclusive ~~¶~~ , **and sections 7 and 8 of this act.**

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Emergency Assistance Account for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Emergency Assistance Account.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Emergency Assistance Account. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Disaster Relief Account, upon request by the Division.

Sec. 31. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a public school or private school within the jurisdiction of an agency which provides child welfare services experiences a crisis, emergency or suicide, the agency which provides child welfare services may provide counseling and other services to pupils and staff of the school upon being contacted by the principal or other person in charge of the school or his or her designated representative pursuant to NRS 388.257 or 394.1696, as applicable.*

2. *As used in this section:*

(a) *“Private school” has the meaning ascribed to it in NRS 394.103.*

(b) *“Public school” has the meaning ascribed to it in NRS 385.007.*

(c) *With reference to:*

(1) *A private school:*

(I) "Crisis" has the meaning ascribed to it in NRS 394.1681.

(II) "Emergency" has the meaning ascribed to it in NRS 394.16823.

(III) "Suicide" has the meaning ascribed to it in section 24 of this act.

(2) A public school:

(I) "Crisis" has the meaning ascribed to it in NRS 388.231.

(II) "Emergency" has the meaning ascribed to it in NRS 388.233.

(III) "Suicide" has the meaning ascribed to it in section 8 of this act.

Sec. 32. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in

the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

↪ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[]~~, **and section 31 of this act.**

Sec. 33. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 34. (Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, 2018.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 368.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1060.

AN ACT relating to criminal procedure; establishing requirements concerning certain motions to suppress evidence; providing for the return and inadmissibility as evidence of property which is seized as a result of certain unlawful stops or seizures and subsequent arrests and searches; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Generally, the exclusionary rule requires courts to exclude evidence that law enforcement obtains in violation of the Fourth Amendment of the United States Constitution, which bars unreasonable searches and seizures. The United States Supreme Court and the Nevada Supreme Court recognized an exception to the exclusionary rule under the "attenuation doctrine," holding that "when [a] constitutional violation is far enough removed from the acquisition of the evidence, the violation is sufficiently 'attenuated [so] as to dissipate the taint' of the illegality and the evidence may be admitted." (*Torres v. State*, 131 Nev. Adv. Op. 2, 341 P.3d 652 (2015), citing *Wong Sun v. United States*, 171 U.S. 471, 491 (1993)) However, the Nevada Supreme Court in *Torres* held that the discovery of a warrant of arrest does not purge the taint from an illegal seizure and that the attenuation doctrine does not apply under such circumstances. *See Torres*, 131 Nev. Adv. Op. 2, at 11, 341 P.3d at 658.

In 2016, the United States Supreme Court extended the attenuation doctrine to admit evidence seized in situations in which a law enforcement officer makes an unconstitutional investigatory stop, discovers during the stop that the person stopped is the subject of an outstanding arrest warrant, arrests the person and seizes evidence in a search conducted incident to the arrest. (*Utah v. Strieff*, 579 U.S. ___, 136 S.Ct. 2056 (2016)) Pursuant to the decision of the United States Supreme Court in *Strieff*, the judgment of the Nevada Supreme Court in *Torres* was vacated and the attenuation doctrine was extended to allow the admissibility of evidence seized under such

circumstances. (*State v. Torres*, 136 S.Ct. 2505 (2016)) **Section 1.5** of this bill provides that the attenuation doctrine is not extended to permit the admissibility of evidence seized under such circumstances.

Section 1 of this bill requires that a motion to suppress evidence : ~~in any criminal proceeding in which the defendant is charged with a felony or gross misdemeanor;~~ (1) ~~be made in the district court having jurisdiction after any preliminary hearing;~~ (2) generally be in writing; and ~~[(3) be made in accordance]~~ **(2) if submitted in writing, comply** with all applicable provisions of law and court rules governing the procedure for filing such a motion. **However, section 1 authorizes a motion to suppress evidence which is made in justice court to be made orally unless a party requests that the motion be submitted in writing.**

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

Section 1. Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[A motion to suppress evidence in any criminal proceeding in which the defendant is charged with a felony or gross misdemeanor must be made in the district court having jurisdiction after any preliminary hearing. Such a motion must be:]~~

1. Except as otherwise provided in subsection 2, paragraph (a) of subsection 2 of NRS 174.125 or any other provision of law, a motion to suppress evidence must be in writing. ~~[; and]~~

2. ~~[Made in accordance]~~ A motion to suppress evidence which is made in justice court may be made orally unless a party requests that the motion be submitted to the court in writing. If a party requests that the motion to suppress evidence be submitted in writing, the court must allow the parties an opportunity to brief the issue in writing.

3. A written motion to suppress evidence must comply with all applicable provisions of law and court rules governing the procedure for filing such a motion.

Sec. 1.5. NRS 179.085 is hereby amended to read as follows:

179.085 1. A person aggrieved by an unlawful search and seizure or the deprivation of property may move the court having jurisdiction where the property was seized for the return of the property on the ground that:

- (a) The property was illegally seized without warrant;
- (b) The warrant is insufficient on its face;
- (c) There was not probable cause for believing the existence of the grounds on which the warrant was issued;
- (d) The warrant was illegally executed; or
- (e) Retention of the property by law enforcement is not reasonable under the totality of the circumstances.

↪ The judge shall receive evidence on any issue of fact necessary to the decision of the motion.

2. If the motion is granted on a ground set forth in paragraph (a), (b), (c) or (d) of subsection 1, the property must be restored and it must not be admissible evidence at any hearing or trial.

3. If the motion is granted on the ground set forth in paragraph (e) of subsection 1, the property must be restored, but the court may impose reasonable conditions to protect access to the property and its use in later proceedings.

4. *If a peace officer:*

(a) *Makes an unlawful stop or seizure of a person;*

(b) *Discovers that there is an outstanding warrant for the arrest of the person;*

(c) *Arrests the person pursuant to the outstanding warrant of arrest;*

(d) *Conducts a search pursuant to that arrest; and*

(e) *Seizes property which is discovered during that search,*

↪ a person aggrieved by the seizure or the deprivation of the property may move the court having jurisdiction where the property was seized for the return of the property on the ground that the property was seized as the result of an unlawful stop or seizure. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted, the property must be restored and it must not be admissible evidence at any hearing or trial. For the purposes of this subsection, the discovery of an outstanding warrant of arrest shall be deemed not to purge the taint of an unlawful stop or seizure and not to attenuate the connection between the unlawful stop or seizure and the seizure of property during a search incident to an arrest pursuant to the outstanding warrant of arrest.

5. A motion to suppress evidence on any ground set forth in paragraphs (a) to (d), inclusive, of subsection 1 ~~may also~~ **or pursuant to subsection 4 must** be made in ~~the court where the trial is to be had. The motion must be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.~~

~~—5.]~~ **accordance with NRS 174.125 and section 1 of this act.**

6. If a motion pursuant to this section is filed when no criminal proceeding is pending, the motion must be treated as a civil complaint seeking equitable relief.

Sec. 2. ~~[NRS 189.120 is hereby amended to read as follows:~~

~~189.120~~ 1. ~~[The]~~ ***In a case in which a defendant is charged only with any misdemeanor offense and not any offense that is a gross misdemeanor or felony, the State may appeal to the district court from an order of a justice court granting the motion of [a] the defendant to suppress evidence.***

~~2. Such an appeal [shall] must be taken:~~

~~(a) Within 2 days after the rendition of such an order during a trial. [or preliminary examination.]~~

~~(b) Within 5 days after the rendition of such an order before a trial. [or preliminary examination.]~~

~~3. Upon perfecting such an appeal:~~

~~(a) After the commencement of a trial, [or preliminary examination,] further proceedings in the trial [shall] *must* be stayed pending the final determination of the appeal.~~

~~(b) Before trial, [or preliminary examination,] the time limitation within which a defendant [shall] *must* be brought to trial [shall] *must* be extended for the period necessary for the final determination of the appeal.] **(Deleted by amendment.)**~~

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

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 410.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 829.

AN ACT relating to driving; revising provisions relating to the punishment imposed for certain unauthorized speed contests or certain acts of reckless driving if the unauthorized speed contests or reckless driving proximately cause the death of or substantial bodily harm to another person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is considered reckless driving if a person drives a vehicle in or organizes an unauthorized speed contest on a public highway, or if the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle while the driver is violating certain traffic laws concerning: (1) the duty of due care to pedestrians and persons riding bicycles; (2) crosswalks; (3) school crossing guards, school zones and school crossing zones; and (4) speeding. (NRS 484B.270, 484B.280, 484B.283, 484B.350, 484B.363, 484B.600, 484B.653) A person who commits reckless driving under such circumstances, or a person who organizes an unauthorized speed contest on a public highway, is guilty of a misdemeanor and, in addition to any punishment for the underlying traffic offense, shall be punished by a fine and community service, and may be imprisoned in the county jail for not more than 6 months. The punishment also includes a driver's license suspension, and may include the impoundment of any vehicle registered to the violator if the vehicle is used in the unauthorized speed contest. (NRS 484B.653) **Section 9** of this bill newly provides that such a person, if his or her violation proximately causes the death of or substantial bodily harm to another person, is guilty of a ~~category B felony~~ **gross misdemeanor** and shall be punished by imprisonment in the ~~state prison for a minimum term of~~ **county jail for** not ~~less~~ **more** than ~~1~~

~~year and a maximum term of not more than 6 years and~~ **364 days, or** by a fine of not less than \$2,000 but not more than \$5,000 ~~or~~ **, or by both a fine and imprisonment.** Sections 1-8 of this bill make conforming changes to various provisions of ~~NRS~~ **existing law** concerning the underlying traffic offenses.

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 6 *or* 7 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

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

↪ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 *or* 7 of NRS 484B.653; or

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

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

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

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

(b) If applicable, to and from school.

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle or an electric bicycle.

2. When overtaking or passing a bicycle or electric bicycle proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or

(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle or electric bicycle at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle or electric bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle or electric bicycle.

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle or a pedestrian as provided in subsection 6 of NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles or electric bicycles except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles or electric bicycles.

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle or an electric bicycle; and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 *or* 7 of NRS 484B.653.

7. The operator of a bicycle or an electric bicycle shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 4. NRS 484B.280 is hereby amended to read as follows:

484B.280 1. A driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a pedestrian;

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

(c) Exercise proper caution upon observing a pedestrian:

(1) On or near a highway, street or road;

(2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or

(3) In or near a school zone or a school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.

2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 *or* 7 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

Sec. 5. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words “Walk” or “Don’t Walk” are in place, such signals indicate as follows:

(1) While the “Walk” indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the “Don’t Walk” indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the “Walk” indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(3) Whenever the word “Wait” still appears in a signal, the indication has the same meaning as assigned in this section to the “Don’t Walk” indication.

(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and “Walk” and “Don’t Walk” indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the “Walk” indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 *or* 7 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

Sec. 6. NRS 484B.350 is hereby amended to read as follows:

484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle,

the driver is subject to the additional penalty set forth in subsection 4 *or* 7 of NRS 484B.653.

4. As used in this section, “school crossing guard” means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 7. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

- (a) On a day on which school is not in session;
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

- (a) On a day on which school is not in session;
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:

- (a) When there are no children present;
- (b) On a day on which school is not in session;
- (c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (d) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (e) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

- (a) On a day on which the school is not in session;
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

6. Each such governing body and the Department of Transportation shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

8. If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 *or* 7 of NRS 484B.653.

9. As used in this section, “speed limit beacon” means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 8. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

- (a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 *or* 7 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 9. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

↪ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. ~~[A]~~ *Except as otherwise provided in subsection 7, a person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:*

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4 ~~6~~ *or* 7, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

7. *Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2, if the violation proximately causes the death of or substantial bodily harm to another person, is guilty of a ~~category B felony~~ gross misdemeanor and shall be punished by imprisonment in the ~~state prison~~ county jail for ~~a minimum term of~~ not ~~less~~ more than ~~1 year and a maximum term of not more than 6 years and~~ 364 days, or by a fine of not less than \$2,000 but not more than \$5,000 ~~or~~, or by both a fine and imprisonment.*

8. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

~~8.]~~ 9. As used in this section, “organize” means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 428.

Bill read third time.

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

Amendment No. 1056.

AN ACT relating to license plates; providing for the issuance of special license plates indicating support for Tule Springs State Park; ~~providing for the issuance of special license plates indicating support for certain professional sports teams; exempting the special license plates from certain provisions otherwise applicable to special license plates;~~ imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1.3 of this bill provides for the issuance of special license plates indicating support for Tule Springs State Park. The fees generated by the special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Ice Age Park Foundation or its successor for use in programs, projects and activities in support of Tule Springs State Park. The special license plates must be approved by the Commission on Special License Plates and, after approval, must not be issued until one of the 30 design slots for the special

license plates becomes available. (NRS 482.367004, 482.367008, 482.36705) **Sections 2-5, 6 and 7-10** of this bill make conforming changes to various sections referring to the special license plates. This bill does not require, as a prerequisite to design, preparation and issuance, that the special license plates receive a minimum number of applications, but does require the posting of a surety bond with the Department of Motor Vehicles.

~~[Section 1.7 of this bill requires the Department to design, prepare and issue special license plates indicating support for any professional major league sports team based in Nevada that requests such a plate and meets certain requirements. A person wishing to obtain the special license plates must pay to the Department a fee of \$35 for initial issuance and \$10 for renewal, as well as all applicable registration and licensing fees and governmental services taxes. This bill does not require, as a prerequisite to design, preparation and issuance, the posting of a surety bond with the Department, but does require the Department to adopt regulations which provide a procedure whereby the sports team would pay for the production of the plates. Sections 5.5-6.5 of this bill exempt the special license plates indicating support for such a sports team from requirements for: (1) a recommendation from the Commission; (2) waiting for one of the 30 design slots for special license plates to become available; and (3) a minimum number of applications for the special license plate. Sections 2-5 and 7-10 of this bill make conforming changes.]~~

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

Section 1. Chapter 482 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. *Except as otherwise provided in subsection 2, the Department, in conjunction with the Ice Age Park Foundation or its successor, shall design, prepare and issue license plates which indicate support for Tule Springs State Park, using any colors that the Department deems appropriate.*

2. *The Department shall not design, prepare or issue the license plates described in subsection 1 unless:*

(a) The Commission on Special License Plates recommends to the Department that the Department approve the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) A surety bond in the amount of \$5,000 is posted with the Department.

3. *If the conditions set forth in subsection 2 are met, the Department shall issue license plates which indicate support for Tule Springs State Park for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige*

license plates issued pursuant to NRS 482.3667 be combined with license plates which indicate support for Tule Springs State Park if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates which indicate support for Tule Springs State Park pursuant to subsections 4 and 5.

4. The fee for license plates which indicate support for Tule Springs State Park is \$35, in addition to all other applicable registration and license fees and governmental services tax. The license plates are renewable upon the payment of \$10.

5. In addition to all other applicable registration and license fees and governmental services tax and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates which indicate support for Tule Springs State Park must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be deposited in accordance with subsection 6.

6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Ice Age Park Foundation or its successor for use in programs, projects and activities in support of Tule Springs State Park.

7. The Department shall promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:

(a) The Department, based upon the recommendation of the Commission on Special License Plates, determines not to issue the special license plate; or

(b) It is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

8. The provisions of paragraph (a) of subsection 1 of NRS 482.36705 do not apply to license plates described in this section.

9. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~Sec. 1.7. *1. The Department, in cooperation with any professional major league sports team based in Nevada which meets the requirements of this section, shall design, prepare and issue license plates that indicate support for the sports team using any colors and designs which the Department deems appropriate.*~~

~~2. The Department shall issue license plates that indicate support for the sports team for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the sports team if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the sports team pursuant to subsection 1.~~

~~3. The fee for license plates which indicate support for the sports team is \$35, in addition to all other applicable registration and license fees and governmental services tax. The license plates are renewable upon the payment of \$10.~~

~~4. The provisions of NRS 482.36705 do not apply to license plates described in this section.~~

~~5. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~(a) Retain the plates and affix them to another vehicle that meets the requirements of this section; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~6. The Department shall adopt regulations providing for the production and issuance of the special license plates pursuant to this section. The regulations must include, without limitation:~~

~~(a) A definition of the term "professional major league sports team";~~

~~(b) The procedure by which such a sports team may apply to have a special license plate produced and issued pursuant to this section; and~~

~~(c) Provisions for payment by such a sports team for the costs of production and issuance of such a special license plate.~~

~~7. All money received pursuant to subsection 6 must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805. (Deleted by amendment.)~~

Sec. 2. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ~~and sections 1.3 and 1.7 of this act~~, which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle;

or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[]~~, ~~and ~~sections~~ section 1.3 ~~and 1.7~~ of this act~~; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[]~~, ~~and ~~sections~~ section 1.3 ~~and 1.7~~ of this act~~. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~{ }~~, *and ~~sections~~ section 1.3 ~~and 1.7~~ of this act.*

~~Sec. 5.5. NRS 482.367004 is hereby amended to read as follows:~~

~~482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:~~

~~(a) Five Legislators appointed by the Legislative Commission:~~

~~(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~(b) Three nonvoting members consisting of:~~

~~(1) The Director of the Department of Motor Vehicles, or a designee of the Director.~~

~~(2) The Director of the Department of Public Safety, or a designee of the Director.~~

~~(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.~~

~~2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-~~

~~numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.~~

~~3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.~~

~~4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.~~

~~5. The Commission shall recommend to the Department that the Department approve or disapprove:~~

~~(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;~~

~~(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and~~

~~(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.~~

~~➤ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.~~

~~6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.~~

~~7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 [.] or **section 1.7 of this act.**~~

~~8. The Commission shall:~~

~~(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable~~

~~organization. The term does not include registration and license fees or governmental services taxes.~~

~~(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.] **(Deleted by amendment.)**~~

Sec. 6. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~]~~ **or section 1.3 of this act;** and

(c) Except for a license plate that is issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901, ~~for section 1.7 of this act,~~ a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 6.5. ~~NRS 482.36705 is hereby amended to read as follows:~~
~~482.36705 1. Except as otherwise provided in subsection 2:~~

~~(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.~~

~~(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.~~

~~(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.~~

~~2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 [.] or section 1.7 of this act.]~~
(Deleted by amendment.)

Sec. 7. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and [sections] section 1.3 [and 1.7] of this act*, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483 and mopeds registered pursuant to NRS 482.2155, upon application by a person who is entitled to license plates

pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, “fees” does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) “Additional fees” has the meaning ascribed to it in NRS 482.38273.

(b) “Charitable organization” means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[]~~, ~~and [sections]~~ **section 1.3 [and 1.7] of this act**. The term includes the successor, if any, of a charitable organization.

Sec. 8. NRS 482.38276 is hereby amended to read as follows:

482.38276 “Special license plate” means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~[]~~ **or section 1.3 of this act;** and

3. Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, ~~for section 1.7 of this act,~~ a license plate that is approved by the Legislature after July 1, 2005.

Sec. 9. NRS 482.399 is hereby amended to read as follows:

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

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ~~and *sections 1.3 and 1.7* of this act,~~ or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

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

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

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

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

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

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

Sec. 10. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of

registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, ~~and sections~~ **section 1.3 ~~and 1.7~~ of this act** or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 11. 1. This section and section 1 of this act become effective on July 1, 2017.

2. Sections 1.3, 2 to 5, inclusive, 6 and 7 to 10, inclusive, of this act become effective on the date 2 years after the date on which the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources, pursuant to the authority granted in NRS 407.065, establishes Tule Springs State Park.

3. Sections 1.7, 5.5 and 6.5 of this act become effective on January 1, 2018.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 541.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1044.

SENATORS FORD, DENIS, PARKS, SPEARMAN, ATKINSON; CANCELA, CANNIZZARO, FARLEY, MANENDO, RATTI, SEGERBLOM AND WOODHOUSE

JOINT ~~SPONSOR: ASSEMBLYMAN~~ SPONSORS: ASSEMBLYMEN ELLISON AND FRIERSON

AN ACT relating to crimes; enhancing the criminal penalty for certain crimes committed against first responders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which **section 1** defines as any peace officer, firefighter or emergency medical provider acting in the normal course of duty, may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

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

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, NRS 200.471 which is punishable as a felony, NRS 200.481 which is punishable as a felony, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270 or 206.150 because of the fact that the victim is a first responder may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

- (a) The facts and circumstances of the crime;*
- (b) The criminal history of the person;*
- (c) The impact of the crime on any victim;*
- (d) Any mitigating factors presented by the person; and*
- (e) Any other relevant information.*

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

- (a) Must not exceed the sentence imposed for the crime; and*
- (b) Runs consecutively with the sentence prescribed by statute for the crime.*

3. *This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.*

4. *As used in this section, "first responder" means any peace officer, firefighter or emergency medical provider acting in the normal course of duty. As used in this subsection:*

(a) *"Emergency medical provider" has the meaning ascribed to it in NRS 450B.199.*

(b) *"Firefighter" has the meaning ascribed to it in NRS 450B.071.*

(c) *"Peace officer" has the meaning ascribed to it in NRS 169.125.*

Sec. 2. NRS 193.169 is hereby amended to read as follows:

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 *or section 1 of this act* must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, 453.3335, 453.3345 or 453.3351 *or section 1 of this act* even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

3. This section does not:

(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.

(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.

Sec. 3. The amendatory provisions of this act apply to an offense committed on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 448 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 448.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 1034.

AN ACT relating to public works; revising provisions concerning the authorization in certain counties of a private entity to undertake certain public works; authorizing a public body in certain counties to enter into a public-private partnership in connection with certain ~~eligible~~ **transportation** facilities; providing for the financing of certain ~~eligible~~ **transportation** facilities in certain counties; providing for the disposition of money which is received and is to be retained by a public body pursuant to a public-private partnership in certain counties; providing for the confidentiality of certain information submitted to a public body in certain counties; revising provisions concerning agreements between a public body and a person concerning certain ~~eligible~~ **transportation** facilities in certain counties; ~~exempting property used for certain eligible facilities in certain counties from all real property and ad valorem taxes;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is authorized to accept a request from a person who wishes to develop, construct, improve, maintain or operate a transportation facility. If the public body determines that the facility serves a public purpose, the public body may authorize the requestor to carry out the facility or may request other persons to submit proposals to develop, construct, improve, maintain or operate the facility. (NRS 338.162, 338.163, 338.164) ~~{Sections 14.1, 14.2 and 14.3 of this bill extend those provisions to also apply to certain other facilities, including certain tourism improvement projects in any county whose population is 700,000 or more (currently Clark County)}.~~

This bill ~~also~~ provides in ~~such a~~ any county whose population is 700,000 or more (currently Clark County), for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for ~~an eligible~~ **a transportation** facility. **Section 9** of this bill authorizes a public body to enter into such a partnership. **Section 10** of this bill establishes various alternatives in which a public body may procure a public-private partnership, including the use of solicitations, requests for proposals and negotiations. **Section 11** of this bill provides that ~~an eligible~~ **a transportation** facility may be financed in whole or in part

with money from any lawful source. **Section 12** of this bill authorizes a public body to accept all such money and, with certain exceptions, to combine money from federal, state, local and private sources for the purposes of such a facility. **Section 13** of this bill requires that all money which is received and retained by a public body pursuant to a public-private partnership be: (1) deposited in the State Highway Fund; (2) accounted for separately; (3) used first to defray the obligations of the public body under the public-private partnership; and (4) except for costs of administration, used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways in the county from which the money was received. **Section 13.5** of this bill prohibits the imposition of a fee for the use of certain roadways. **Section 14** of this bill provides that all information submitted to a public body in connection with a request, proposal or other submission concerning ~~an eligible~~ **a transportation** facility is confidential until a notice of intent to award the contract or agreement is issued. **Section 14** also establishes the procedures that a person who has submitted such information must follow to maintain the confidentiality of any trade secrets or confidential commercial, financial or proprietary information included in the submission. **Section 15** of this bill provides that the power of eminent domain may be exercised with respect to any property necessary for ~~an eligible~~ **a transportation** facility.

Existing law establishes the provisions that must be included in an agreement between a public body and a person with respect to the development, construction, improvement, maintenance or operation of a transportation facility. (NRS 338.166) **Section 14.4** of this bill imposes additional requirements applicable to such an agreement for ~~an eligible~~ **such a** facility in a county whose population is 700,000 or more (currently Clark County) and authorizes various other provisions that may be included in such an agreement. ~~[Section 14.4 also provides that an eligible facility that is developed, operated or held by a person pursuant to such an agreement is exempt from all state and local ad valorem and property taxes.]~~ **Sections 14.1-14.3, 14.5, 14.6, 24 and 25** of this bill make various conforming changes.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Concession” means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of ~~an eligible~~ a transportation facility by a public body to a private partner.*

Sec. 4. ~~“Eligible facility” means~~

~~1. A transportation facility; and~~

~~2. A project as defined in NRS 271A.050.] (Deleted by amendment.)~~

Sec. 5. (Deleted by amendment.)

Sec. 6. “Private partner” means a person with whom a public body enters into a public-private partnership.

Sec. 7. “Public-private partnership” means a contract entered into by a public body and a private partner.

Sec. 7.5. “Transportation facility” means any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a road, railroad, bridge, tunnel, overpass, mass transit facility, light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes:

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking facilities and other related equipment or property that is needed or used to support the transportation facility or the transportation of persons, information or goods; and

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 8. “User fee” means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of ~~an eligible~~ a transportation facility by a public body or by a private partner pursuant to a public-private partnership.

Sec. 8.5. The provisions of sections 2 to 16, inclusive, of this act apply only in a county whose population is 700,000 or more.

Sec. 9. 1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof, ~~an eligible~~ a transportation facility.

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for ~~[an eligible]~~ a transportation facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the ~~[eligible]~~ transportation facility;

(d) A contract involving a construction manager at risk;

(e) A concession, including, without limitation, a toll concession and an availability payment concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the ~~[eligible]~~ transportation facility;

(g) An operation and maintenance agreement for ~~[an eligible]~~ a transportation facility;

(h) Any other method or agreement for completion of the ~~[eligible]~~ transportation facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

Sec. 10. 1. A public body may procure a public-private partnership by means of:

(a) Requests for project proposals in which the public body describes a class of ~~[eligible]~~ transportation facilities or a geographic area in which private entities are invited to submit proposals to develop ~~[eligible]~~ transportation facilities.

(b) Solicitations using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) Other procedures that the public body determines may further the implementation of a public-private partnership.

2. For any procurement in which the public body issues a request for qualifications, request for proposals or similar solicitation document, the request must generally set forth the factors that will be evaluated and the manner in which responses will be evaluated. Such factors may include, without limitation:

(a) The ability of the ~~[eligible]~~ transportation facility to promote economic growth and ~~[, in the case of a transportation facility,]~~ to improve safety, reduce congestion or increase capacity.

(b) The proposed cost and a proposed financial plan for the ~~[eligible]~~ transportation facility.

(c) *The general reputation, qualifications, industry experience and financial capacity of the proposer.*

(d) *The proposed design, operation and feasibility of the ~~eligible~~ transportation facility.*

(e) *Comments from users, local citizens and affected jurisdictions.*

(f) *Benefits to the public.*

(g) *The safety record of the proposer.*

(h) *Other criteria that the public body deems appropriate.*

3. *In evaluating proposals, the public body may give such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the public body deems appropriate.*

4. *The public body may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or ordinance relating to public bidding or other procurement procedures, ~~for other provisions otherwise applicable to public works, services or utilities.~~*

5. *The public body may expend money from any lawful source reasonably necessary for the development of procurements, evaluation of concepts or proposals, negotiation of agreements and implementation of agreements for the development or operation of transportation facilities pursuant to sections 2 to 16, inclusive, of this act.*

6. *Any state agency or any county, municipality or other public agency may sell, lease, grant, transfer or convey to the public body, with or without consideration, any facility or any part or parts thereof or any real or personal property or interest therein which may be useful to the public body for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the public body, with or without consideration, any existing contract for the construction of the facility.*

Sec. 11. 1. ~~An eligible~~ A transportation facility may be financed, in whole or in part, with money from any lawful source, including, without limitation:

(a) *Any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, grant anticipation revenue bond, credit assistance from the government of this State or the Federal Government or other type of assistance that is available for the purposes of the ~~eligible~~ transportation facility.*

(b) *Any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the public body for the purposes of the ~~eligible~~ transportation facility.*

(c) *A contribution of money or property made by any private entity or public sector partner that is a party to any agreement entered into pursuant to sections 2 to 16, inclusive, of this act.*

(d) Money appropriated for the ~~eligible~~ transportation facility by the State or by the public body.

(e) User fees, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise charges, permit charges, rents, advertising and sponsorship charges, service charges or any other lawful form of consideration.

(f) Private activity bonds as described in 26 U.S.C. § 141.

(g) Any other form of public or private capital that is available for the purposes of the ~~eligible~~ transportation facility.

(h) Any combination of paragraphs (a) to (g), inclusive.

2. If a public body, in accordance with applicable law, issues a note, bond or other debt obligation to finance ~~an eligible~~ a transportation facility that is expected to generate revenue of any kind, the revenue from the ~~eligible~~ transportation facility may be pledged as security for the payment of the obligation, but the bonds or notes are special, limited obligations of the public body payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

3. Any financing issued by a public body pursuant to this section may be structured on a senior, parity or subordinate basis to any other financing.

4. A public body may issue revenue bonds or notes to provide money for any transportation facility.

Sec. 12. 1. A public body, either directly or through a designated party, may:

(a) Accept from the United States or any of its agencies money that is available to the public body for carrying out the purposes of sections 2 to 16, inclusive, of this act, whether the money is made available by grant, loan or other financing arrangement.

(b) Enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out the provisions of sections 2 to 16, inclusive, of this act.

(c) Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public body for carrying out the provisions of sections 2 to 16, inclusive, of this act.

2. Except as otherwise provided in section 13 of this act or applicable federal law, and notwithstanding any other provision of law, money from federal, state and local sources may be combined with money from any private source for carrying out the purposes of sections 2 to 16, inclusive, of this act.

Sec. 13. All money which is received and is to be retained by a public body pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor

vehicle upon any public highway in this State must be deposited in the State Highway Fund, accounted for separately and, except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of the county from which the money is received. The money must first be used to defray the obligations for which the public body is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the ~~eligible~~ transportation facility from which the money is derived.

Sec. 13.5. 1. No user fee may be charged for the use of any roadway or portion of any roadway constructed or improved pursuant to any project undertaken as part of a public-private partnership authorized by NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

2. The provisions of this section do not prohibit the imposition of a user fee for the use of any public transit system, regardless of whether the public transit system operates on or in the right-of-way for any such roadway.

3. As used in this section, “public transit system” has the meaning ascribed to it in NRS 277A.120.

Sec. 14. 1. Notwithstanding any other provision of law, any information obtained by or disclosed to a public body in connection with a request or proposal pursuant to section 14.2 or 14.3 of this act or during the procurement or negotiation of a public-private partnership pursuant to section 10 of this act must be kept confidential until a notice of intent to award the contract, agreement or public-private partnership is issued, absent an administrative or judicial order requiring release or disclosure.

2. Except as otherwise provided in NRS 239.0115, a public body may exempt from release to the public any trade secrets or confidential commercial, financial or proprietary information included in a request or proposal submitted to the public body pursuant to subsection 1 if the submitter:

(a) Specifies the portions of the proposal or other submission that the submitter considers to be trade secrets or confidential commercial, financial or proprietary information;

(b) Invokes exclusion upon submission of the information or other materials for which protection is sought;

(c) Identifies the data or other materials for which protection is sought with conspicuous labeling;

(d) States the reasons why protection is necessary; and

(e) Fully complies with all applicable state law with respect to information that the submitter contends should be exempt from disclosure.

Sec. 14.1. A public body may authorize a person to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, ~~for~~

~~eligible~~ a transportation facility pursuant to section 14.2 or 14.3 of this act.

Sec. 14.2. 1. A person may submit a request to a public body to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, ~~an eligible~~ a transportation facility.

2. The request must be accompanied by the following information:

(a) A topographic map indicating the location of the ~~eligible~~ transportation facility.

(b) A description of the ~~eligible~~ transportation facility, including, without limitation, the conceptual design of the ~~eligible~~ transportation facility.

(c) The projected total cost of the ~~eligible~~ transportation facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the ~~eligible~~ transportation facility.

(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the ~~eligible~~ transportation facility. The statement must include, without limitation:

(1) The names and addresses, if known, of the current owners of any property needed for the ~~eligible~~ transportation facility;

(2) The nature of the property interests to be acquired; and

(3) Any property that the person submitting the request proposes that the public body condemn.

(e) A list of all permits and approvals required for the development or construction of or improvement to the ~~eligible~~ transportation facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.

(f) A statement setting forth the general plans of the person submitting the request for financing and operating the ~~eligible~~ transportation facility, which must include, without limitation:

(1) A plan for the development, financing and operation of the ~~eligible~~ transportation facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the ~~eligible~~ transportation facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the ~~eligible~~ transportation facility, including, without limitation, the fees that will be charged for the use of the ~~eligible~~ transportation facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the ~~eligible~~ transportation facility and the plan for addressing those risk factors;

(4) *The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the ~~eligible~~ transportation facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and*

(5) *The identification and analysis of any costs or benefits associated with the proposed transportation facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.*

(g) *The names and addresses of the persons who may be contacted for further information concerning the request.*

(h) *Any additional material and information that the public body may request.*

3. ~~If the eligible facility is a transportation facility, the~~ *The request must also include:*

(a) *Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.*

(b) *A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.*

Sec. 14.3. *If a public body receives a request regarding ~~an eligible~~ a transportation facility pursuant to section 14.2 of this act and the public body determines that the ~~eligible~~ transportation facility serves a public purpose, the public body may request other persons to submit proposals to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, the ~~eligible~~ transportation facility.*

Sec. 14.4. 1. *A public body may approve a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act if the public body determines that the ~~eligible~~ transportation facility serves a public purpose. In determining whether the ~~eligible~~ transportation facility serves a public purpose, the public body shall consider whether:*

(a) *There is a public need for the type of ~~eligible~~ transportation facility that is proposed;*

(b) ~~If the eligible facility is a transportation facility, the~~ *The proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;*

(c) *The estimated cost of the ~~eligible~~ transportation facility is reasonable in relation to similar facilities, as determined by an analysis of*

the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;

(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the ~~eligible~~ transportation facility or its more efficient operation;

(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the ~~eligible~~ transportation facility or failure to meet any deadline for its more efficient operation; and

(f) The long-term quality of the ~~eligible~~ transportation facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.

2. In evaluating a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act, the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar ~~eligible~~ transportation facilities or the advice of outside advisors or consultants with relevant experience.

3. The public body shall furnish a copy of a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act to each governmental entity that has jurisdiction over an area in which any part of the ~~eligible~~ transportation facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the ~~eligible~~ transportation facility and shall indicate whether the ~~eligible~~ transportation facility is compatible with any local, regional or statewide plan or program that is applicable to the governmental entity.

4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act, including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before the public body accepts the request, proposal or other submission for processing, review and evaluation.

5. The approval of a request, proposal or other submission by the public body is contingent on the person who submitted the request, proposal or other submission entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:

(a) Criteria that address the long-term quality of the ~~eligible~~ transportation facility.

(b) The date, if any, of termination of the authority and duties pursuant to sections 2 to 16, inclusive, of this act of the person whose request,

proposal or other submission was approved by the public body with respect to the ~~eligible~~ transportation facility and for the dedication of the ~~eligible~~ transportation facility to the public body.

(c) Provision by which the person whose request, proposal or other submission was approved by the public body expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.

(d) A provision requiring all plans and specifications for any ~~eligible~~ transportation facility constructed, operated or maintained pursuant to sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.

(e) ~~[If the eligible facility is a transportation facility, a]~~ A provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement entered into pursuant to sections 2 to 16, inclusive, of this act.

6. In any agreement between a public body and a person whose request, proposal or other submission for ~~an eligible~~ a transportation facility pursuant to sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:

(a) Except as otherwise provided in section 13.5 of this act, authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.

(b) Specify technology to be used in the ~~eligible~~ transportation facility.

(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.

(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.

(e) Except as otherwise provided in section 13.5 of this act, authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.

(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.

(g) Allow the public body to accept payments of monies and share revenues with the person.

(h) Address how the person and public body will share management of the risks of the project.

(i) Specify how the person and public body will share development costs.

(j) Allocate financial responsibility for cost overruns.

(k) Establish the damages to be assessed for nonperformance.

(l) Establish performance criteria or incentives, or both.

(m) Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.

(n) Establish recordkeeping, accounting and auditing standards to be used.

(o) For ~~an eligible~~ a transportation facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the ~~eligible~~ transportation facility to meet all applicable government standards upon reversion of the facility.

(p) Provide for patrolling and law enforcement on public facilities.

(q) Identify any specifications that must be satisfied.

(r) Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS and, if additional security is required in addition to such bonds, require the person to provide surety bonds, parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.

(s) Allow the public body to acquire real property that is needed for and related to the ~~eligible~~ transportation facility, including acquisition by exchange for other real property that is owned by the public body.

(t) Allow the public body to sell or lease naming rights with regard to any ~~eligible~~ transportation facility.

~~7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.~~

~~8.~~ In connection with the approval of ~~an eligible~~ a transportation facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the ~~eligible~~ transportation facility. The public body may extend the date from time to time.

Sec. 14.5. A public body may contract with a person whose request or proposal submitted pursuant to section 14.2 or 14.3 of this act is approved pursuant to section 14.4 of this act for services to be provided by the ~~eligible~~ transportation facility in exchange for such payments for service and other consideration as the public body may deem appropriate.

Sec. 14.6. The public body may take any action necessary to obtain federal, state or local assistance for ~~an eligible~~ a transportation facility

that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the ~~eligible~~ transportation facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 15. *This State, or any public agency so authorized under chapter 37 of NRS, may exercise the power of eminent domain to acquire property, rights-of-way or other rights in property for projects that are necessary to develop, operate or hold ~~an eligible~~ a transportation facility regardless of whether the property will be owned in fee simple by this State or applicable public body or whether the property will be leased according to the terms of an agreement executed pursuant to section 14.4 of this act.*

Sec. 16. *If no federal money is used on ~~an eligible~~ a transportation facility, the laws of this State govern. Notwithstanding any other provision of sections 2 to 16, inclusive, of this act, if federal money is used on ~~an eligible~~ a transportation facility and applicable federal laws conflict with sections 2 to 16, inclusive, of this act, or require provisions or procedures inconsistent with those statutes, the applicable federal laws govern.*

Sec. 16.5. *The provisions of this section and NRS 338.161 to 338.168, inclusive, apply to any county whose population is less than 700,000.*

Sec. 17. NRS 338.161 is hereby amended to read as follows:

338.161 As used in NRS 338.161 to 338.168, inclusive, **and section 16.5 of this act**, unless the context otherwise requires, “transportation facility” means a road, railroad, bridge, tunnel, overpass, airport, mass transit facility, parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any other property that is needed to operate the facility. The term does not include a toll bridge or toll road.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[338.16995,]~~ **338.168**, inclusive, **and sections 2 to 16, inclusive, of this act**, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.

Sec. 25. 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 14 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. 26. This act becomes effective on July 1, 2017.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 66, 72, 74, 132, 150, 189, 213, 225, 229, 355, 414, 427, 457, 458, 511, and 538; Senate Joint Resolution No. 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 83 and 492; Senate Bill No. 232; Senate Concurrent Resolution No. 1.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 188 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 188 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 188 ("AB 188"), which is entitled:

AN ACT relating to education; reducing the minimum number of credit hours required per semester for eligibility for a grant awarded under the Silver State Opportunity Grant Program; creating certain exceptions to the credit hour requirement; providing that grant money received by colleges pursuant to the Program does not revert; and providing other matters properly related thereto.

The Silver State Opportunity Grant Program ("SSOGP") was approved and signed into law in 2015. It represents a historic commitment to serving Nevada's students, particularly students facing financial barriers to post-secondary education. The program is Nevada's first ever state-supported, need-based scholarship program, and after only two years, is fully subscribed with a waiting list of approximately 2,000 students, and has already extended the promise of a college

education to more than 1,900 students. Based on the undeniably positive outcomes of this program, my Executive Budget for 2017-2019 includes doubling the amount of funds supporting SSOGP, from \$5 million to \$10 million over the biennium, which will eliminate the waiting list of eligible students who wish to participate. There is no question this program is a critical tool to promote student and economic success in Nevada.

While AB188 is commendable in its attempt to expand SSOGP eligibility, it will also undeniably lead to unintended outcomes and discourage timely post-secondary completion. Data published by the Nevada System of Higher Education clearly shows that students who enroll in 15 credits during the first term of college are significantly more likely to finish a degree or certificate program on-time, while merely 3% of students who enroll in 12 or fewer credits complete their respective degree or certificate program on-time. Thus, AB188 would undermine one of the primary goals behind the SSOGP, which is to provide an incentive for students to enroll in more credits per semester and finish their post-secondary education on time.

Moreover, the enhanced funding proposed by the Executive Budget for the coming biennium represents a funding level that will ensure every eligible student enrolled in 15 credits will be able to access the SSOGP. Expanding eligibility for students who are enrolled in 12 credits, and in some cases fewer than 12 credits, as AB 188 proposes, would create a “waiting list” of students, including those who are seeking to enroll as full-time students. Consequently, some of the hardest-working students who have chosen to enroll in more credit hours per semester would be excluded from participating, despite their commitment and likelihood of completing their degree requirements on time.

For these reasons I veto AB188 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 188 of the 79th Session be placed on the Chief Clerk’s desk.

Motion carried.

Vetoed Assembly Bill No. 277 of the 79th Session.

Governor’s message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 277 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 277 (“AB 277”), which is entitled:

AN ACT relating to land use planning; establishing uniform statewide standards that local governments must strictly comply with when exercising powers of land use planning, subdivision regulation and zoning with regard to certain lands within or surrounding national conservation areas; repealing provisions relating to land use planning, subdivision regulation and zoning with regard to certain national conservation areas, national recreation areas and adjacent lands; and providing other matters properly relating thereto.

Nevada’s National Conservation Areas are national treasures. Black Rock Desert-High Rock Canyon Emigrant Trails, Sloan Canyon, and Red Rock Canyon offer visitors unparalleled natural beauty. Protecting these unique landscapes for future generations is a laudable goal that

we should all embrace. As some of Nevada's communities continue to grow, I understand and appreciate the heightened risks such growth poses to our conservation areas, and I am sympathetic to efforts to minimize those risks.

Nevertheless, even well-intended law must meet constitutional requirements, and AB 277 fails to meet those requirements. AB 277 is not the first legislative attempt to protect lands adjoining certain conservation areas. Similar law was passed in 2003 and ultimately deemed unconstitutional by the Nevada Supreme Court in 2013. *See Attorney General v. Gypsum Resources, LLC*, 294 P.3d 404 (2013). In that case, the Court held that the 2003 law was unconstitutional under Article 4, Sections 20, 21, and 25 of the Nevada Constitution.

The Court found the 2003 law to be a "local law" regulating county business in violation of Sections 20 and 21 of the Nevada Constitution. *See also Clean Water Coalition v. The M Resort*, 255 P.3d 247 (2011). The Court also found the 2003 law unconstitutional pursuant to Article 4, Section 25 of the Nevada Constitution because it established a system of county government that was not uniform throughout the state.

It is apparent that AB 277 was drafted with the *Gypsum* and *Clean Water Coalition* decisions in mind. And, to that end, the bill does make some slight improvements on the 2003 law, but it is still constitutionally suspect. Based on the reasoning in *Gypsum* and *Clean Water Coalition*, AB 277 still appears to violate their holdings and thus would be considered unconstitutional. Given these constitutional concerns, I cannot support AB 277, even though I continue to support the intentions behind it.

For these reasons, I veto Assembly Bill 277 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 277 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Kanani Espinoza.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, June 2, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:08 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly