

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 15, 2017

Senate called to order at 11:26 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ben Fleming.

The book of Romans says: "*Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God.*"

Heavenly Father, I pray at the beginning of this week for these, Your governing authorities. I ask that You direct and guide them this day. I ask that when they make decisions this day, may they see themselves as an authority in this great State who is placed in their position by You. Give them strength to be alert this day. Give them peace and unity in all of their conversations. May what is decided in this Body be pleasing to You.

I ask these things in the Name of Your Son, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bill No. 106; Assembly Bills Nos. 113, 128, 165, 190, 195, 245, 317, 445; Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Finance, to which were referred Senate Bills Nos. 519, 525, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 25, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 34, 70, 310, 435, 465, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 136, 173, 180, 228, 229, 232, 316, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Assembly Bill No. 114; Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

YVANNA D. CANCELA, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Senate Joint Resolution No. 14; Assembly Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 60, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 11, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 7, 16, 22, 44, 45, 57, 105, 148, 197, 198.

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

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford gave notice, per Senate Standing Rule No. 91, that on the next legislative day, the Senate would begin suspending necessary Standing Rules in order to accommodate the movement of bills and resolutions out of the Senate in a timely manner.

Senator Cancela has approved the addition of Senator Ford as a sponsor of Senate Bill No. 265.

SECOND READING AND AMENDMENT

Senate Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 636.

SUMMARY—Makes various changes concerning health care.
(BDR 18-143)

AN ACT relating to health care; creating the State of Nevada Advisory Council on Palliative Care and Quality of Life; authorizing the Council to apply for and accept certain money; establishing the Palliative Care and Quality of Life Consumer and Professional Information and Education

Program within the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 7 and 8 of this bill create the State of Nevada Advisory Council on Palliative Care and Quality of Life within the Department of Health and Human Services and prescribe the qualifications and duties of members of the Council. Section 9 of this bill authorizes the Council to apply for grants and accept gifts, grants, appropriations or donations. Section 10 of this bill establishes the Palliative Care and Quality of Life Consumer and Professional Information and Education Program within the Department. Section 12 of this bill requires the Director of the Department to encourage hospitals, assisted living facilities and facilities for skilled nursing with 100 beds or more to educate their physicians, nurses and clinical staff members regarding palliative care and provide information to patients or residents regarding palliative care.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Council" means the State of Nevada Advisory Council on Palliative Care and Quality of Life created by section 7 of this act.*

Sec. 4. *"Palliative care" means a multidisciplinary and patient- and family-centered approach to specialized medical care for a person with a serious illness, which approach focuses on the care of a patient throughout the continuum of an illness and involves addressing the physical, emotional, social and spiritual needs of the patient, as well as facilitating patient autonomy, access to information and choice of care. The term includes, without limitation, discussion of the goals of the patient for treatment and discussion of treatment options appropriate to the patient, including, where appropriate, hospice care and comprehensive management of pain and symptoms.*

Sec. 5. *"Program" means the Palliative Care and Quality of Life Consumer and Professional Information and Education Program established by section 10 of this act.*

Sec. 6. *"Serious illness" means a medical illness, physical injury or condition that substantially affects the quality of life of a person for more than a short period of time. A serious illness includes, without limitation, Alzheimer's disease and related dementias, cancer, lung disease, heart, renal or liver failure and similar conditions or diseases.*

Sec. 7. 1. *The State of Nevada Advisory Council on Palliative Care and Quality of Life is hereby created within the Department.*

2. *The Director shall appoint such number of members of the Council as he or she determines is appropriate to carry out the provisions of*

sections 2 to 10, inclusive, of this act, but not less than nine members as follows:

(a) Two members with experience in the provision of interdisciplinary palliative care, including, without limitation, hospital, medical, nursing, social work, pharmacy, financial and spiritual services;

(b) One member with a background in patient and family caregiver advocacy;

(c) One member who is a health care professional with clinical experience in palliative care;

(d) One member who is a health care professional with expertise in delivery models for palliative care in a variety of inpatient, outpatient and community settings and with diverse populations;

(e) Two members who are employees of the Department or any other state agency, board or commission who have relevant work experience related to palliative care and issues concerning quality of life; and

(f) Two members who are board certified hospice and palliative care physicians or nurses.

3. After the initial terms, the term of each member of the Council is 3 years, and members shall serve at the pleasure of the Director.

4. The Council shall select from its members a Chair and a Vice Chair who shall hold office for 1 year and whose duties will be established by the Council.

5. The Council shall meet at least twice annually at a time and place specified by a call of the Director.

6. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally to the extent that funds for such expenses are available within the budget of the Department.

Sec. 8. The Council shall:

1. Consult with and advise the Department on matters related to the establishment, maintenance, operation and outcomes of palliative care programs and initiatives in this State; and

2. Advise and assist in the creation and carrying out of the Program established by section 10 of this act.

Sec. 9. The Council may apply for any available grants and accept any available gifts, grants, appropriations or donations, and use any such gifts, grants, appropriations or donations to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 10. 1. The Palliative Care and Quality of Life Consumer and Professional Information and Education Program is hereby established within the Department to maximize the effectiveness of palliative care initiatives in this State by ensuring that comprehensive and accurate information and

education about palliative care is available to health care providers, health care facilities and members of the public.

2. *The Department shall, to the extent that money is available from gifts, grants, appropriations and donations for this purpose, include on an Internet website available to the public, with links to appropriate external Internet websites, information and resources concerning:*

(a) *The delivery of palliative care in the home and in primary, secondary and tertiary environments;*

(b) *Best practices for the delivery of palliative care; and*

(c) *Educational materials and referral information for palliative and hospice care.*

3. *The Department may develop and carry out such other initiatives regarding palliative care and education that the Department determines will further the purposes of the Program. The Director shall consult with the Council in developing and implementing such initiatives.*

Sec. 11. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.484, inclusive, *and sections 2 to 10, inclusive, of this act*, unless the context requires otherwise:

1. "Department" means the Department of Health and Human Services.

2. "Director" means the Director of the Department.

Sec. 12. 1. On or before January 1, 2018, the Department of Health and Human Services shall encourage all hospitals, assisted living facilities and facilities for skilled nursing within this State with 100 beds or more to:

(a) Educate their physicians, nurses and clinical staff on how to provide information regarding appropriate palliative care; and

(b) Provide information about, and facilitate access to, appropriate palliative care.

2. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962; and

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

Sec. 13. 1. Not later than October 1, 2017, the Director of the Department of Health and Human Services shall appoint the members of the State of Nevada Advisory Council on Palliative Care and Quality of Life created by section 7 of this act to initial terms as follows:

(a) Three members whose terms expire on September 30, 2018:

(1) One of whom must be appointed pursuant to paragraph (a) of subsection 2 of section 7 of this act;

(2) One of whom must be appointed pursuant to paragraph (b) of subsection 2 of section 7 of this act; and

(3) One of whom must be appointed pursuant to paragraph (c) of subsection 2 of section 7 of this act.

(b) Three members whose terms expire on September 30, 2019:

(1) One of whom must be appointed pursuant to paragraph (a) of subsection 2 of section 7 of this act;

(2) One of whom must be appointed pursuant to paragraph (e) of subsection 2 of section 7 of this act; and

(3) One of whom must be appointed pursuant to paragraph (f) of subsection 2 of section 7 of this act.

(c) Three members whose terms expire on September 30, 2020:

(1) One of whom must be appointed pursuant to paragraph (d) of subsection 2 of section 7 of this act;

(2) One of whom must be appointed pursuant to paragraph (e) of subsection 2 of section 7 of this act; and

(3) One of whom must be appointed pursuant to paragraph (f) of subsection 2 of section 7 of this act.

2. If more than nine members are appointed to the Council, the Director shall, at his or her sole discretion, determine the allocation of the additional members appointed to the Council to the particular groupings established for the expiration of terms in subsection 1.

Sec. 14. This act becomes effective on July 1, 2017.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Amendment No. 636 to Senate Bill No. 13 adds, to the extent that money is available, from gifts, grants, appropriations and donations for this purpose, to the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 642.

SUMMARY—Revises provisions relating to ~~search and seizure~~ criminal procedure. (BDR 14-113)

AN ACT relating to ~~search and seizure~~ 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)) ~~(This)~~ 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 with all applicable provisions of law and court rules governing the procedure for filing such a motion.

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 paragraph (a) of subsection 2 of NRS 174.125 or any other provision of law, in writing; and

2. Made in accordance 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 *or pursuant to subsection 4* ~~[may also] 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. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 642 to Senate Bill No. 368 deletes original language in the bill regarding motions to suppress evidence and adds new language requiring that 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 a preliminary hearing, must be in writing and must be made in accordance with applicable provisions of law and court rules regarding filing such a motion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 8.

Bill read second time and ordered to third reading.

Assembly Bill No. 20.

Bill read second time and ordered to third reading.

Assembly Bill No. 22.

Bill read second time and ordered to third reading.

Assembly Bill No. 31.

Bill read second time and ordered to third reading.

Assembly Bill No. 79.

Bill read second time and ordered to third reading.

Assembly Bill No. 95.

Bill read second time and ordered to third reading.

Assembly Bill No. 96.

Bill read second time and ordered to third reading.

Assembly Bill No. 98.

Bill read second time and ordered to third reading.

Assembly Bill No. 108.

Bill read second time and ordered to third reading.

Assembly Bill No. 134.

Bill read second time and ordered to third reading.

Assembly Bill No. 151.

Bill read second time and ordered to third reading.

Assembly Bill No. 170.

Bill read second time and ordered to third reading.

Assembly Bill No. 236.

Bill read second time and ordered to third reading.

Assembly Bill No. 258.

Bill read second time and ordered to third reading.

Assembly Bill No. 305.

Bill read second time and ordered to third reading.

Assembly Bill No. 324.

Bill read second time and ordered to third reading.

Assembly Bill No. 337.

Bill read second time and ordered to third reading.

Assembly Bill No. 340.

Bill read second time and ordered to third reading.

Assembly Bill No. 346.

Bill read second time and ordered to third reading.

Assembly Bill No. 347.

Bill read second time and ordered to third reading.

Assembly Bill No. 478.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 246.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 246 declares that it is not the legislative intent to have any government or a political subdivision of this State use the construction manager-at-risk procurement process to limit competition; discourage competitive bidding or engage in or allow bid-shopping. The bill makes the procedure with which a public body and a construction manager-at-risk are required to advertise for proposals or applications, as applicable, under the project-delivery method of construction manager-at-risk the same as the procedure with which a public body is required to advertise for bids on a public work for which the estimated cost exceeds \$100,000 under the project-delivery method of "design-bid-build." It is prohibited, with limited exceptions, for an applicant for a construction manager at risk to substitute an employee whose resume is included on the application as a key employee. The bill requires that a certain fee submitted by the construction manager-at-risk at the time of the interview with the public body must be assigned a weight of at least 5 percent but no more than 20 percent of the scoring for the selection of the most qualified applicant.

The bill postpones the sunset of the authority for public bodies to enter into contracts with construction managers-at-risk from July 1, 2017 to June 30, 2021. Finally, a public body is authorized within a 12-month period to contract with a design-build team for the design and construction of not more than two discrete public works projects, each of which have an estimated cost of \$5 million or less.

Roll call on Senate Bill No. 246:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 323.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 656.

SUMMARY—Revises provisions governing the Supplemental Nutrition Assistance Program. (BDR 38-627)

AN ACT relating to the Supplemental Nutrition Assistance Program; prescribing the manner in which the Department of Health and Human Services must calculate the 36-month time period for determining a person's eligibility for benefits under the Program; requiring the Department to seek a waiver from certain federal requirements concerning eligibility for benefits under the Program ~~[and under certain circumstances];~~ authorizing the Division of Welfare and Supportive Services of the Department to grant exemptions from those requirements and to prioritize certain persons for ~~[the continued receipt of benefits under the Program if the Department obtains such a waiver;]~~ such an exemption; requiring the Department to create a voluntary workfare program; authorizing the Division to contract with appropriate persons and entities for certain purposes relating to the Supplemental Nutrition Assistance Program; temporarily requiring the Department to consult with certain persons concerning actions of the Federal Government and the Department relating to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law establishes the Supplemental Nutrition Assistance Program. (7 U.S.C. §§ 2011 et seq.) The Program in this State is administered by the Department of Health and Human Services. (NRS 422A.338) Under federal law, certain Program beneficiaries who have received benefits for at least 3 months during the preceding 36-month period are required to: (1) work for at least 20 hours per week; or (2) participate for at least 20 hours per week in a work program approved by the state agency which administers the Program. (7 U.S.C. §§ 2015(o)(2)(A) and (B), 2015(o)(3)) Alternatively, federal law allows a beneficiary to meet the work requirement by serving in a federally approved workfare or volunteer work program operated by the State. (7 U.S.C. § 2015(o)(2)(C)) Section 2 of this bill requires the Department to calculate the 36-month period such that the period begins and ends on fixed, definite dates that are the same for each beneficiary in this State and runs continuously.

Federal law authorizes the state agency which administers the Program to request that the Secretary of Health and Human Services waive the work requirement for certain groups of beneficiaries. Such a waiver may be granted if the Secretary determines that: (1) the beneficiaries the waiver seeks to exempt reside in a geographic area where the unemployment rate exceeds 10 percent; or (2) the geographic area in which the waiver will apply does not have a sufficient number of jobs to provide adequate employment for the affected group of beneficiaries. (7 U.S.C. § 2015(o)(4)(A)) This State currently operates under such a waiver granted by the Secretary that expires on July 1, 2017. Section 2 requires the Department to seek such a waiver whenever this State or a portion thereof is eligible for such a waiver.

Additionally, under federal law, the state agency which administers the Program may grant exemptions from the work requirement for up to 15 percent of the Program beneficiaries even if the State has not sought a waiver from the

Secretary. (7 U.S.C. § 2015(o)(6)(D)) Section 2 ~~[of this bill requires the Department of Health and Human Services to seek a waiver to replace the existing waiver, which expires on July 1, 2017. If the Department obtains such a waiver, section 2]~~ authorizes the Division of Welfare and Supportive Services of the Department to : (1) grant such an exemption to the extent authorized by federal law; and (2) prioritize certain persons for ~~the continued receipt of~~ such an exemption, which would allow those persons to continue to receive benefits under the Program. Additionally, section 2 requires the Department to establish a voluntary workfare program to assist Program beneficiaries in meeting the work requirement. Finally, section 2 authorizes the Division to contract with appropriate persons and entities to assist in determining whether a person is exempt from the work requirement. Section 3 of this bill requires the Department to consult as necessary until October 1, 2019, with persons and entities who provide services to persons who are subject to the work requirement concerning actions by the Federal Government relating to that requirement and the Department's efforts to implement the provisions of section 2.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Department shall:*

(a) *Calculate the 36-month period prescribed by 7 U.S.C. § 2015(o)(2) such that the period begins and ends on fixed, definite dates that are the same for each recipient of benefits under the Supplemental Nutrition Assistance Program in this State and runs continuously.*

(b) *Seek a waiver pursuant to 7 U.S.C. § 2015(o)(4) whenever this State or any portion thereof is eligible for a waiver under the provisions of that section to allow a ~~[person]~~ group of persons who are otherwise subject to the 3-month limit to receive Supplemental Nutrition Assistance Program benefits pursuant to 7 U.S.C. § 2015(o)(2) to continue to receive such benefits without meeting the federal requirements.*

(c) *Adopt regulations to establish a voluntary workfare program in accordance with the requirements set forth in 7 C.F.R. § 273.7(m)(8) to allow a person to meet the eligibility requirements set forth in 7 U.S.C. § 2015(o)(2) by participating in such a program. The voluntary workfare program must provide that participants will receive benefits at a rate equivalent to the state minimum wage.*

2. ~~If the Department obtains a waiver pursuant to paragraph (b) of subsection 1, the~~ The Division may ~~[prioritize]~~ :

(a) To the extent authorized by the provisions of 7 U.S.C. § 2015(o)(6), grant exemptions to persons from the 3-month limit to receive Supplemental Nutrition Assistance Program benefits pursuant to 7 U.S.C. § 2015(o)(2); and

(b) Prioritize a person ~~[described in that paragraph for the continued receipt of benefits]~~

~~(a)~~ for such an exemption:

~~(1) If the person is the subject of a pending case to determine his or her eligibility for disability benefits from the federal social security system or pursuant to chapters 616A to 616D, inclusive, of NRS;~~

~~(b) works more than 20 hours per week for part of a year and less than 20 hours per week for the remainder of the year;~~

~~(2) For 1 year after the person was discharged from the Armed Forces of the United States or the National Guard;~~

~~(c) (3) If the person does not have custody of his or her child but is responsible for child support; or~~

~~(d) (4) If the person resides in a county whose unemployment rate is at least 10 percent or is 20 percent above the national average; is an unpaid caregiver for a parent, child or sibling who is elderly or disabled.~~

3. The Division may contract with appropriate persons or entities to assist in determining whether a person is eligible to receive benefits under the provisions of any waiver granted pursuant to paragraph (b) of subsection 1 or is ~~otherwise exempt~~ eligible for any available exemption from the 3-month limit for receiving Supplemental Nutrition Assistance Program benefits prescribed by 7 U.S.C. § 2015(o)(2).

Sec. 3. The Department shall consult whenever necessary with persons and entities who provide services to persons subject to the 3-month limit for receiving Supplemental Nutrition Assistance Program benefits prescribed by 7 U.S.C. § 2015(o)(2) concerning actions of the Federal Government relating to that 3-month limit and the efforts of the Department to comply with the requirements of section 2 of this act.

Sec. 4. 1. This section and sections 1 and 3 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

3. Section 3 of this act expires by limitation on October 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 656 to Senate Bill No. 323 came from the Committee on Finance and provides the opportunity to grant exemptions from requirement and preauthorize certain persons. This is in relations to the Division of Welfare and Supportive Services of that Department.

Amendment adopted.

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

Senate Bill No. 501.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 501 extends the prospective expiration of the Consumer Affairs Unit within the Department of Business and Industry from June 30, 2017, to June 30, 2019.

Roll call on Senate Bill No. 501:

YEAS—21.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 12.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 12 makes changes to the regulation of insurance adjusters. The bill requires individuals and employees of insurers and third-party administrators who adjust workers'-compensation claims to obtain a license as an adjuster. It also requires certain adjusters to obtain continuing education in order to renew a license and to adhere to certain standards of conduct. The measure provides for the issuance of a nonresident license as an adjuster and a temporary emergency license in the event of a catastrophe.

Roll call on Assembly Bill No. 12:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 247.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 247 provides for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of harassment, sexual assault or stalking. The measure further prohibits a landlord from taking certain retaliatory actions against a victim who terminates a rental agreement for this reason.

Roll call on Assembly Bill No. 247:

YEAS—21.

NAYS—None.

Assembly Bill No. 247 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279.

Bill read third time.

Remarks by Senator Cancela.

Assembly Bill No. 279 requires the Commissioner of Financial Institutions to adjust by regulation the rates paid by banks and other financial institutions based on a review of the proportional utilization of the resources of the Division of Financial Institutions by banks and other financial institutions as compared to the annual budget approved by the Legislature. Further, the measure requires the Commissioner to publish on the Internet website of the Division by December 31 of each year the amount of the fee for the following year. The bill defines the term "financial institution" to include a depository institution and any other institution or business regulated by the Division. Finally, the bill also requires the Commissioner to examine the accounts

of the holder of a license to engage in the business of lending so far as they pertain to the business that is licensed.

Roll call on Assembly Bill No. 279:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Atkinson moved that Senate Bill No. 452 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 452.

Bill read third time.

Remarks by Senators Atkinson and Kieckhefer.

SENATOR ATKINSON:

I read the floor statement for this bill last week, and would like to vote on it.

SENATOR KIECKHEFER:

I lodged my objections to this bill last week, and those objections still stand. I will be voting against this bill.

Roll call on Assembly Bill No. 452:

YEAS—17.

NAYS—Goicoechea, Gustavson, Kieckhefer, Settelmeyer—4.

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

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Joint Resolution No. 10; Senate Concurrent Resolution No. 8; Assembly Bill No. 17.

Senator Ford moved that the Senate adjourn until Tuesday, May 16, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:52 p.m.

Approved:

MARK A. HUTCHISON

President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate

