

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 22, 2019

Senate called to order at 12:59 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, we think the sun is supposed to be shining and warming the earth. Well, as we have frequently seen, that is not always true. So, today, I pray the sunshine of Your love will fill this place with the knowledge that You are here, that You love us and that You are willing to work out all things for our good and to Your glory. We humbly ask that You do so.

Thank You in Jesus' Name.

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 COMMITTEE

Madam President:

Your Committee on Finance, to which was referred Senate Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 21, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 179, Amendment No. 701, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Assembly Bills Nos. 132, 140, 141, 161, 164, 205, 260, 285, 304, 334, 336, 340, 353, 367, 378, 457, 458, 492; Assembly Joint Resolutions No. 2; Assembly Joint Resolution No. 2 from the 79th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Ratti moved that Assembly Bill No. 139 be taken from the General File and placed on the Secretary's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 549—AN ACT relating to education; revising the list of assessments used to determine the number of pupils for whom an allocation from the Account for the New Nevada Education Funding Plan will be made; revising the frequency at which the services funded by such allocations must be evaluated; and providing other matters properly relating thereto.

Senator Woodhouse moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 282.

Bill read second time.

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

Amendment No. 839.

SUMMARY—Revises the Charter of the City of Henderson. (BDR 24-939)

AN ACT relating to the City of Henderson; requiring, under certain circumstances, a member of the City Council of the City of Henderson to be elected only by the registered voters of the ward that he or she seeks to represent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the existing Charter of the City of Henderson, the City is divided into four wards, but the candidates for the office of Council Member are voted on by the registered voters of the City at large. (Henderson City Charter §§ 1.040, 2.010, 5.010, 5.020) In addition, under the existing Charter of the City of Henderson, the City holds primary and general city elections in odd-numbered years, but the City may by ordinance provide for its elections to be held in even-numbered years on the statewide election cycle. (Henderson City Charter §§ 5.010, 5.020) Finally, under the Nevada Constitution, the Legislature may amend the existing Charter of the City of Henderson to require the City's elections to be held in even-numbered years on the statewide election cycle. (Nev. Const. Art. 4, § 27, Art. 8, § 1) In sections 26, 29 and 30 of Assembly Bill No. 50 of this session, the Legislature proposes to amend the existing Charter of the City of Henderson to require the City's elections to be held in even-numbered years on the statewide election cycle.

Section 5 of this bill requires the City Council to place a question on the ballot at: (1) the general city election held in June 2021; or (2) if no general city election will be held in June 2021 because the City will be holding its elections in even-numbered years on the statewide election cycle, the general

election held in November 2022. The ballot question will ask the registered voters of the City whether the Charter of the City should be amended to require that the candidates for members of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City approve the ballot question: (1) the applicable sections ~~1-4~~ of this bill become effective; and (2) candidates for the office of Council Member of the City must be voted upon at subsequent elections only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City do not approve the ballot question: (1) the applicable sections ~~1-4~~ of this bill do not become effective; and (2) candidates for the office of Council Member of the City will continue to be voted upon at subsequent elections by the registered voters of the City at large.

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

Section 1. Section 1.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 231, Statutes of Nevada 1991, at page 511, is hereby amended to read as follows:

Sec. 1.060 Elective offices.

1. The elective officers of the City consist of:

- (a) A Mayor.
- (b) ~~Four~~ *One Council ~~Members~~ Member from each ward.*
- (c) Municipal Judges.

2. Such officers shall be elected as provided by this Charter.

Sec. 2. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of ~~four~~ *one Council ~~Members~~ Member from each ward* and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of

any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, ~~[must be voted upon by the registered voters of the City at large and,]~~ except as otherwise provided in section 5.020, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 2.5. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 26 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of ~~four~~ one Council ~~Members~~ Member from each ward and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, ~~[must be voted upon by the registered voters of the City at large and,]~~ except as otherwise provided in sections 5.020 and 5.120, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 3. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office *other than candidates for the office of Council Member* must be voted upon by the registered voters of the City at large.

4. *A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.*

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

Sec. 3.5. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 29 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

- (a) On the first Tuesday after the first Monday in April 2019; and
- (b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

↳ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

4. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

Sec. 4. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1890, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection ~~2~~ 4:

(a) A general municipal election must be held in the City on the second Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) ~~All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.~~

~~(c)~~ On the second Tuesday after the first Monday in June 2019, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

~~(d)~~ (c) On the second Tuesday after the first Monday in June 2021, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held

for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

~~{(e)}~~ (d) On the second Tuesday after the first Monday in June 2017, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. ~~All candidates for the elective office of Mayor and Municipal Judge~~, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

3. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

4. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

~~{3}~~ 5. If the City Council adopts an ordinance pursuant to subsection ~~{2}~~ 4, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

~~{4}~~ 6. If the City Council adopts an ordinance pursuant to subsection ~~{2}~~ 4, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 4.5. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~{On}~~ Notwithstanding the provisions of subsections 7 and 8, on the second Tuesday after the first Monday in June 2019, there must be elected by the qualified voters of the City ~~{}~~ pursuant to the provisions of this Charter in effect at ~~{a}~~ the general municipal election ~~{to be}~~ held for that purpose:

(a) Three Council Members who shall hold office until their successors have been elected and qualified pursuant to subsection 4; and

(b) A Municipal Judge for Department 1 who shall hold office until his or her successor has been elected and qualified pursuant to subsection 6.

2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected ~~by the qualified voters of the City,~~ at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected ~~by the qualified voters of the City,~~ at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected ~~by the qualified voters of the City,~~ at a general municipal election to be held for that purpose, three Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 6 years, there must be elected ~~by the qualified voters of the City,~~ at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

6. On the first Tuesday after the first Monday in November 2026, and at each successive interval of 6 years, there must be elected ~~by the qualified voters of the City,~~ at a general municipal election held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

7. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

8. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

Sec. 5. 1. The City Council of the City of Henderson shall submit the question set forth in subsection 2 on the ballot:

(a) Except as otherwise provided in paragraph (b), at the general city election held in June 2021; or

(b) If a general city election is not held in June 2021, at the general election held in November 2022.

2. The question required pursuant to subsection 1 must be in substantially the following form:

Shall the Charter of the City of Henderson be amended to require that a candidate for member of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent?

Yes No

The voter shall mark the ballot by placing a cross (x) next to the word "yes" or "no ~~[""]~~" or by casting his or her vote for or against the question by another method of voting used in the City under the standards adopted pursuant to NRS 293C.369.

3. The provisions of NRS 293.481 ~~and 295.217~~ apply to the City Council for purposes of submitting the question set forth in subsection 2 to the voters ~~[""]~~, except that the question must not be withdrawn by the City Council pursuant to subsection 4 of NRS 293.481.

4. If sections 26, 29 and 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature:

(a) Are not enacted into law and the question set forth in subsection 2 is approved by the voters, the provisions of sections 1 ~~to 4, inclusive,~~ 2, 3 and 4 of this act apply to every city election that occurs following the election described in subsection 1.

(b) Are enacted into law and the question set forth in subsection 2 is approved by the voters, the provisions of sections 1, 2.5, 3.5 and 4.5 of this act apply to every city election that occurs following the election described in subsection 1.

Sec. 6. Notwithstanding any other provision of law to the contrary, any person:

1. Elected or appointed to the office of Council Member of the City of Henderson to represent the City at large and who holds office on the effective date of sections 1 ~~to 4, inclusive,~~ 2, 3 and 4 of this act or sections 1, 2.5, 3.5 and 4.5 of this act, as applicable, shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

2. Appointed to the office of Council Member of the City of Henderson on or after the effective date of sections 1 ~~to 4, inclusive,~~ 2, 3 and 4 of this act or sections 1, 2.5, 3.5 and 4.5 of this act, as applicable, shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section and sections 5 and 7 of this act become effective upon passage and approval.

2. ~~Sections 1 to 4, inclusive, and 6 of this act become effective, if~~ If sections 26, 29 and 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature:

(a) Are not enacted into law and the question set forth in subsection 2 of section 5 of this act is approved by the voters of the City ~~[""]~~ of Henderson,

sections 1, 2, 3, 4 and 6 of this act become effective upon the completion of the canvass of the election described in subsection 1 of section 5 of this act by the City Council pursuant to section 5.100 of the Charter of the City of Henderson.

(b) Are enacted into law and the question set forth in subsection 2 of section 5 of this act is approved by the voters of the City of Henderson, sections 1, 2.5, 3.5, 4.5 and 6 of this act become effective upon the completion of the canvass of the election described in subsection 1 of section 5 of this act by the City Council pursuant to section 5.100 of the Charter of the City of Henderson.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 839 to Assembly Bill No. 282 specifies that the City of Henderson must not withdraw the proposed city ballot question concerning ward-only voting. The amendment makes several technical corrections to ensure that sections in the bill are parallel when addressing both the primary city and general city elections and that voting by ward applies only to city council members and adds transitory language that would ensure, if Assembly Bill No. 50 of this Session is approved, the city election would be held in even-numbered years.

Amendment adopted.

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

Assembly Bill No. 290.

Bill read second time and ordered to third reading.

Assembly Bill No. 298.

Bill read second time.

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

Amendment No. 856.

SUMMARY—Requires an agency which provides child welfare services to adopt a plan for the recruitment and retention of foster homes. (BDR 38-1061)

AN ACT relating to child welfare; requiring each agency which provides child welfare services to adopt a plan for the recruitment and retention of foster homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an agency which provides child welfare services is responsible for licensing and regulating foster homes. (NRS 424.016, 424.030) This bill requires an agency which provides child welfare services to adopt a plan for the recruitment and retention of foster homes. This bill also requires an agency which provides child welfare services to appoint one or more employees to: (1) develop, carry out and evaluate the implementation of the plan; and (2) evaluate certain other issues relating to the ability of existing foster homes to meet the needs of children.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An agency which provides child welfare services shall adopt, publish on an Internet website maintained by the agency and update annually a plan for the recruitment and retention of foster homes which must include, without limitation:*

(a) *A determination of the number of foster homes needed in the area served by the agency. When making that determination, the agency must consider the needs of children in foster care in the area served by the agency with respect to:*

- (1) *The ages of the children;*
- (2) *Accommodating siblings to remain together;*
- (3) *Serving children who have intellectual or developmental disabilities and who have other special needs; and*
- (4) *Addressing the needs of children in foster care to receive care provided in a racially and culturally competent manner.*

(b) *Specific goals for the number of foster homes needed in the geographic area served by the agency.*

(c) *If the agency failed to meet the goals established pursuant to paragraph (b) for the immediately preceding year, a description of the measures that the agency plans to take to ensure that the agency meets those targets during the immediately following year.*

(d) *A plan to ensure that, to the extent possible, a foster home in which a child is placed pursuant to NRS 432B.550 is located in:*

- (1) *The same community as the home from which the child was removed; and*
- (2) *The zone of attendance of the public school that the child was attending when he or she was removed from that home, if applicable.*

(e) *Strategies for recruiting foster homes in geographic areas with a high rate of placement of children in protective custody.*

(f) *An identification of resources available to support foster parents.*

2. *An agency which provides child welfare services shall appoint one or more employees to:*

(a) *Develop and carry out the plan adopted pursuant to subsection 1.*

(b) *Evaluate the implementation of the plan, the degree to which existing procedures for placing children in foster homes meet the needs of those children and use resources efficiently, any gaps in services for children placed in protective custody or foster care and any barriers to placing children in accordance with paragraph (d) of subsection 1.*

3. *On or before August 1 of each year, an agency which provides child welfare services shall publish on an Internet website maintained by the agency a report which includes, without limitation ~~information~~:*

(a) Information *relating to whether the agency achieved the goals established pursuant to paragraph (b) of subsection 1 for each quarter of the immediately preceding year ~~for~~:*

(b) The number of children placed outside this State for more than 15 days during the immediately preceding year, including, without limitation, the number of children placed in residential treatment facilities outside this State for more than 15 days during the immediately preceding year;

(c) The reasons for the placements described in paragraph (b);

(d) A summary of changes that could prevent the placements described in paragraph (b); and

(e) A summary of changes or actions necessary to allow children who are currently placed outside this State to return to this State.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 856 to Assembly Bill No. 298 revises the information child-welfare agencies must report to include the number of children in placements outside of Nevada for more than 15 days during the immediately preceding year, including the number of children placed in residential treatment facilities outside the State; the reasons for such placements; a summary of changes that could prevent such placements, and a summary of changes or actions necessary to allow children who are currently placed in such foster homes to return to this State.

Amendment adopted.

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

Assembly Bill No. 397.

Bill read second time.

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

Amendment No. 825.

SUMMARY—Revises provisions governing misconduct by certain public ~~officials~~ officers. (BDR 18-1038)

AN ACT relating to misconduct by certain public ~~officials~~ officers; authorizing the Nevada Equal Rights Commission to recommend ~~impeachment or~~ removal of certain public ~~officials~~ officers under certain circumstances; ~~providing that an accusation of certain unlawful employment practices by the Commission is legally sufficient for removal in certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Governor and other state and certain judicial officers may be impeached for misdemeanor or malfeasance in office. (Nev. Const. Art. 7, § 2) The Assembly of the Nevada Legislature has the sole power to impeach, and all impeachments are tried by the Senate. (Nev. Const. Art. 7, § 1) Existing law requires that provision for the removal of local elected officers and certain other officers be made by law. (Nev. Const. Art. 7, § 4) Existing law authorizes the removal of certain public officers for ~~willful or corrupt misconduct~~ malpractice or malfeasance in office. (NRS ~~283.300~~)

283.440) Existing law establishes the Nevada Equal Rights Commission. (NRS 233.010-233.210) The Commission is authorized to investigate and conduct hearings regarding any unlawful employment practice by an employer. (NRS 233.150) Under existing law, an unlawful employment practice includes discrimination by an employer against a person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. An unlawful employment practice based on sex includes a prohibition on engaging in acts that constitute sexual harassment. (NRS 613.330; *Switzer v. Rivera*, 174 F. Supp. 2d 1097 (D. Nev. 2001)) If the Administrator of the Commission determines that an unlawful employment practice has occurred, the Administrator is required to attempt to mediate between or reconcile the parties. If such attempts fail, the Commission is authorized to hold a public hearing on the matter and take certain actions if the Commission finds an unlawful employment practice has occurred. (NRS 233.170)

Section 1 of this bill ~~authorizes~~ requires the Commission to ~~submit~~ accept a complaint that alleges a local elected officer has engaged in an unlawful employment practice regarding discrimination and take appropriate action. Section 1 also requires the Commission to present a ~~recommendation of impeachment~~ complaint to the ~~Assembly of the Nevada Legislature only~~ district court if the Commission determines in a public hearing that ~~an~~ a local elected ~~official~~ officer has committed an unlawful employment practice regarding discrimination in employment and that the discriminatory practice is ~~significantly~~ severe ~~and~~ or pervasive such that ~~impeachment~~ removal from office is appropriate. ~~Section 1 similarly authorizes the Commission to present an accusation of an unlawful employment practice in employment regarding discrimination against a district, county, township or municipal officer to the grand jury of a county only if the discriminatory practice is significantly severe and pervasive such that removal is appropriate.~~ Section 1 requires that any ~~damages~~ fine or penalty assessed against an elected ~~official or district, county, township or municipal~~ officer be paid in his or her personal capacity. ~~Section 2 of this bill provides that an accusation of an unlawful employment practice regarding discrimination made against a district, county, township or municipal officer made by the Commission pursuant to section 1 is legally sufficient for removal in certain circumstances.~~ Section 2.5 of this bill defines "malfeasance in office" to include, without limitation, engaging in an unlawful employment practice of discrimination or willfully failing to comply with any other sanction imposed by the Commission.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commission shall accept a complaint that alleges that a local elected officer has engaged in an unlawful employment practice of*

discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and take appropriate action.

2. The Commission ~~may submit~~ shall present a ~~recommendation of impeachment~~ complaint to the ~~Assembly only~~ district court pursuant to NRS 283.440 if the Commission determines after a hearing held pursuant to subsection 3 of NRS 233.170 that ~~an~~ a local elected ~~official~~ officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and that the discriminatory practice that forms the basis of such a ~~recommendation~~ complaint is ~~significantly~~ severe ~~and~~ or pervasive such that ~~impeachment~~ removal from office is an appropriate remedy. In addition to any monetary penalties, the Commission may impose upon the local elected officer any other reasonable sanction, including, without limitation, a requirement to complete a course or training related to the unlawful employment practice of discrimination.

~~2. The Commission may present an accusation to the grand jury of a county pursuant to NRS 283.300 only if the Commission determines after a hearing held pursuant to subsection 3 of NRS 233.170 that a district, county, township or municipal officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., and that the discriminatory practice that forms the basis of such an accusation is significantly severe and pervasive such that removal from office is an appropriate remedy.~~

3. Any ~~damages assessed against an~~ fine or penalty required to be paid by a local elected ~~official or a district, county, township or municipal~~ officer ~~pursuant to this chapter~~ because such officer was determined to have engaged in an unlawful employment practice of discrimination pursuant to subsection 2 must be assessed against such ~~official or~~ officer in his or her personal capacity, and may not be paid with public money or contributions received pursuant to chapter 294A of NRS. Except for a fine or a penalty, no damages may be assessed against the local elected officer in his or her personal capacity.

4. As used in this section ~~f~~

~~(a) "District, county, township or municipal officer" does not include:~~

~~(1) A justice or judge of the court system; and~~

~~(2) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution~~

~~(b) "Elected official", "local elected officer" means a person who ~~was elected to an office which is subject to impeachment~~ ~~pursuant to Section 2 of Article 7 of the Nevada Constitution~~ holds a local government office to which the person was elected.~~

Sec. 2. ~~NRS 283.350 is hereby amended to read as follows:~~

~~283.350 1. If the defendant objects to the legal sufficiency of the accusation, the objection shall be in writing. The objection need not be in any~~

specific form. It is sufficient if it presents intelligibly the grounds of the objection.

~~2. An accusation of an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., made by the Nevada Equal Rights Commission pursuant to section 1 of this act is legally sufficient if a court determines that the discriminatory practice that forms the basis of such an accusation is significantly severe and pervasive such that removal of the defendant is an appropriate remedy.~~ (Deleted by amendment.)

Sec. 2.5. NRS 283.440 is hereby amended to read as follows:

283.440 1. Any person who is now holding or who shall hereafter hold any office in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section does not apply to:

- (a) A justice or judge of the court system;
- (b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or
- (c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. Whenever a complaint in writing, duly verified by the oath of any complainant, is presented to the district court alleging that any officer within the jurisdiction of the court:

- (a) Has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in the officer's office;
- (b) Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; or
- (c) Has been guilty of any malpractice or malfeasance in office,

the court shall cite the party charged to appear before it on a certain day, not more than 10 days or less than 5 days from the day when the complaint was presented. On that day, or some subsequent day not more than 20 days from that on which the complaint was presented, the court, in a summary manner, shall proceed to hear the complaint and evidence offered by the party complained of. If, on the hearing, it appears that the charge or charges of the complaint are sustained, the court shall enter a decree that the party complained of shall be deprived of the party's office.

3. The clerk of the court in which the proceedings are had, shall, within 3 days thereafter, transmit to the Governor or the board of county commissioners of the proper county, as the case may be, a copy of any decree or judgment declaring any officer deprived of any office under this section. The Governor or the board of county commissioners, as the case may be, shall appoint some person to fill the office until a successor shall be elected or appointed and qualified. The person so appointed shall give such bond as security as is prescribed by law and pertaining to the office.

4. If the judgment of the district court is against the officer complained of and an appeal is taken from the judgment so rendered, the officer so appealing shall not hold the office during the pendency of the appeal, but the office shall be filled as in case of a vacancy.

5. As used in this section, "malfeasance in office" includes, without limitation:

(a) Engaging in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 that is severe or pervasive such that removal from office is an appropriate remedy.

(b) Willfully failing to comply with any other sanction imposed upon a local elected officer pursuant to section 1 of this act.

Sec. 3. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Among various provisions, Amendment No. 825 to Assembly Bill No. 397 limits its applicability to only local elected officials; requires the Nevada Equal Rights Commission to accept a complaint that alleges a local elected official has engaged in an unlawful employment practice regarding discrimination and takes appropriate action; requires the Commission to present a complaint to the district court if the Commission determines in a public hearing that a local elected officer has committed an unlawful employment practice regarding discrimination in employment and that the discriminatory practice is severe or pervasive such that removal from office is appropriate. Finally, it specifies that any fine or penalty, not damages, assessed against a local elected official for certain unlawful employment practices must be paid in his or her personal capacity, not with public money or campaign contributions.

Amendment adopted.

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

Assembly Bill No. 496.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 142.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 142 eliminates the statute of limitations for the prosecution of sexual assault if the identity of the person accused of committing the crime is established by DNA evidence.

Roll call on Assembly Bill No. 142:

YEAS—21.

NAYS—None.

Assembly Bill No. 142 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 230

Bill read third time.

Senator Ratti moved that the bill be placed at the bottom of the General File.
Motion carried.

Assembly Bill No. 232.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 232 requires each hospital, other than a psychiatric, rural or critical access hospital, to enter into an agreement with the United States Secretary of Health and Human Services to participate as a provider for Medicare. An existing hospital that does not comply with this requirement is exempt until July 1, 2021. The bill also eliminates the designation of "general hospital" and removes references to general hospitals.

Roll call on Assembly Bill No. 232:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 233.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 233 authorizes a county to pay certain salaries and expenses relating to well drilling by appropriating money from the general fund of the county if the amount of the special assessment combined with all other taxes and assessments levied upon a property owner is less than the cost of collecting the special assessment. Under these circumstances, the board of county commissioners may exempt the property owner from the special assessment.

Roll call on Assembly Bill No. 233:

YEAS—21.

NAYS—None.

Assembly Bill No. 233 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 252.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 252 makes various changes related to providers of community-based living arrangement (CBLA) services. It authorizes the holder of a certificate to provide such services to serve people with a primary diagnosis of mental illness and prohibits CBLA certificate holders from serving people with a primary diagnosis of developmental disabilities if they are not certified to provide supported living-arrangement services. The bill requires employees who supervise or provide support to recipients of CBLA services to be able to communicate with the recipients to whom they provide services, and it requires CBLA providers to make accessible to each recipient licensed professionals who are qualified to provide appropriate supportive and habilitative service.

In addition, the Division of Public and Behavioral Health, Department of Health and Human Services, must establish an individualized plan for each recipient of CBLA services. The bill requires providers to post a sign with the telephone number for making complaints to the Division in a prominent location and reimburse the Division for certain overpayments. The Division may

not renew the certificate of a provider who fails to make such a payment or certain required corrections.

Finally, the State Board of Health is required to adopt regulations prescribing required training and continuing education for CBLA service providers and certain employees. An applicant for a certificate must take certain actions to ensure that if the applicant becomes insolvent, service recipients would continue to receive services for two months at the expense of the applicant. Before issuing a certificate to provide CBLA services, the Division must conduct an investigation, including an inspection of any home in which services will be provided.

Roll call on Assembly Bill No. 252:

YEAS—21.

NAYS—None.

Assembly Bill No. 252 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 254.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 254 requires the chief medical officer to establish and maintain a system for reporting information on sickle cell disease and its variants. The measure requires hospitals, medical laboratories, certain other facilities and providers of health care to report certain information prescribed by the State Board of Health concerning each case of sickle cell disease and its variants diagnosed or treated at the facility or by the provider. The bill requires health-care facilities to make the information available in a specified manner and authorizes an administrative penalty for failure to report it. Such information may be used for analysis, reporting and research under certain circumstances. The measure requires the Board to expand the requirement for screening sickle cell disease and its variants to include screening for sickle cell traits in newborns and optional screening for the biological parents of a child who tests positive. Parents or guardians who object to such testing may opt out in writing.

Further, the measure requires the Pharmacy and Therapeutics Committee to prescribe and review a list of prescription drugs and supplements for treating sickle cell disease and its variants that must be covered by Medicaid. It requires Medicaid to establish a plan to transition enrollees diagnosed with sickle cell disease and its variants from pediatric care to adult care when they reach 18 years of age, and it specifies that Medicaid and other health insurers must cover only "medically necessary" treatments and services. The bill also allows a practitioner to issue a prescription for certain controlled substances for a longer period than otherwise allowed.

Finally, the measure authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to apply for federal grants or funding that may assist in its efforts to provide education, planning, advancements in treatment and support for research.

Roll call on Assembly Bill No. 254:

YEAS—21.

NAYS—None.

Assembly Bill No. 254 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 275.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 275 prohibits certain regulatory bodies from denying licensure of an applicant based on his or her immigration or citizenship status. The bill further requires that an applicant for licensure provide a personally identifying number to a regulatory body, which shall not be open to the public for inspection nor disclosed in any other manner, unless for purposes concerning taxes, licensing or enforcement of an order for the payment of child support.

Roll call on Assembly Bill No. 275:

YEAS—19.

NAYS—Hansen, Settlemeyer—2.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 280.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 280 authorizes a business entity that performs document preparation services to file a cash or surety bond with the Secretary of State on behalf of the employees of the entity that performs document preparation services. The bill sets the amount of the bond filed by a business entity based on the total number of employees, including temporary or seasonal employees, covered by the bond. Among other provisions, the bill also lowers the amount of the bond required for an individual registrant from \$50,000 to \$25,000; it exempts enrolled agents who are authorized to practice before the Internal Revenue Service from the requirement to register with the Secretary of State, and it requires the Secretary of State to deny the registration of an applicant as a document preparation service if the applicant has had his or her appointment or registration as a notary public suspended or revoked for cause in this State or another state. Finally, the bill authorizes the Secretary of State to suspend the registration of a registrant who is also appointed as a notary public and whose appointment as a notary public has been suspended.

Roll call on Assembly Bill No. 280:

YEAS—21.

NAYS—None.

Assembly Bill No. 280 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 310.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 310 requires that a prescription for a controlled substance be given to a pharmacy only by electronic transmission with certain exceptions. The bill also authorizes administrative penalties or professional discipline against a prescriber who violates this requirement.

Roll call on Assembly Bill No. 310:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 316.

Bill read third time.

Remarks by Senator Cancela.

Assembly Bill No. 316 establishes a Statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate. A court is authorized to assign an offender who is found guilty of driving under the influence of alcohol or a prohibited substance for the second or third time within seven years to the program for a specified period determined by the court. The bill imposes numerous responsibilities upon an offender who is participating in the program, including abstaining from alcohol and undergoing random testing.

Finally, the Department of Motor Vehicles is authorized to adopt regulations necessary to provide for the issuance of a restricted driver's license to a person assigned to the program.

Roll call on Assembly Bill No. 316:

YEAS—21.

NAYS—None.

Assembly Bill No. 316 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 317.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 317 requires each off-campus location of a hospital that provides ambulatory surgery, urgent care or emergency room services to obtain and use a unique national provider identifier for billing from the federal National Provider System and use that identifier on all claims for reimbursement or payment for health-care services.

In addition, the Administrator of the Division of Public and Behavioral Health must approve a proposal to establish a trauma center before the District Board of Health may approve the proposal. The bill prescribes criteria for such approval, which includes ensuring that the proposed center will not negatively impact existing capacity to treat trauma in the county.

Roll call on Assembly Bill No. 317:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 335.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 335 authorizes a unit-owners' association for a common-interest community to impose a fee for opening or closing any file for each unit. The bill also specifies that certain periods for taking certain actions relating to a resale package must be measured in calendar days or business days and remains effective for 90 calendar days. It requires an association for a common-interest community to provide a copy of a statement of demand to an interested party not later than ten calendar days after receipt of a written request to do so.

Finally, the bill establishes a maximum fee that an association for a common-interest community may charge for furnishing a certificate for inclusion in the resale package; eliminates the authority to charge a fee for providing certain documents in electronic format, and increases the amount an association for a common-interest community may charge for furnishing a statement of demand.

Roll call on Assembly Bill No. 335:

YEAS—21.

NAYS—None.

Assembly Bill No. 335 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 347.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 347 requires the Secretary of State to reinstate a local emerging small business within five years of when the local emerging small business's right to transact business was revoked if the local emerging small business pays at least 25 percent of the required fees and penalties. If a local emerging small business fails to pay the entire amount of fees and penalties owed for its reinstatement, the bill requires the local emerging small business to enter into a payment plan with the Secretary of State to pay the remaining balance of its delinquent fees and penalties within one year. Finally, the bill requires the Secretary of State to revoke a local emerging small business's right to transact business if it fails to comply with the payment plan.

Roll call on Assembly Bill No. 347:

YEAS—21.

NAYS—None.

Assembly Bill No. 347 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 361 provides that a physician or osteopathic physician who unlawfully allows a person to perform or participate in any supervised activity for the purpose of receiving credit toward certain medical degrees is subject to a civil penalty of not more than \$10,000 for each violation. This provision applies if an action to enforce the civil penalty is brought not later than two years after the date of the last such violation. Additionally, a Board of Medical Examiners or State Board of Osteopathic Medicine representative may enter and inspect any premises of a respective licensee to determine if such a violation has occurred.

Roll call on Assembly Bill No. 361:

YEAS—21.

NAYS—None.

Assembly Bill No. 361 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 362.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 362 authorizes any county manager in the State and any person, including a social worker, who is employed by the State or a political subdivision and who performs work under certain circumstances to request that certain personal information contained in the records

of a county assessor, a county recorder, the Secretary of State or a county or city clerk remain confidential. Similarly, the bill adds those persons to the list of those authorized to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card.

Roll call on Assembly Bill No. 362:

YEAS—21.

NAYS—None.

Assembly Bill No. 362 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 363.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 363 requires the Department of Motor Vehicles to waive the fee, not more than one time, for the examination for a driver's license of a homeless child or youth under 25 years of age. Additionally, Assembly Bill No. 363 requires the Department to waive the fee for an original or duplicate driver's license or identification card to such a person, in certain circumstances. The bill also requires the State Registrar to waive the fee for certain certificates, such as a record of birth, to a homeless child or youth under 25 years of age or to certain social workers and persons designated by a local educational agency, in certain circumstance.

Roll call on Assembly Bill No. 363:

YEAS—21.

NAYS—None.

Assembly Bill No. 363 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 365 provides a new maximum allowable charge of \$150 for a vehicle that has a manufacturer's suggested retail price of more than \$60,000 for the purchase of a waiver of damages that a short-term lessor of vehicles may offer to a lessee. Beginning on July 1, 2021, and each fiscal year thereafter, both the amount of the charge and the threshold amount of the manufacturer's suggested retail price is to be adjusted in an amount calculated based on the percentage increase in the Consumer Price Index for the preceding year.

Roll call on Assembly Bill No. 365:

YEAS—21.

NAYS—None.

Assembly Bill No. 365 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 370.

Bill read third time.

Remarks by Senators Dondero Loop and Settlemeyer.

SENATOR DONDERO LOOP:

Assembly Bill No. 370 provides for a 2.3 percent annual increase in compensation for widows, widowers, surviving children or surviving dependent parents who are entitled to death benefits under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act with compensation to be increased on January 1, 2020, and every year thereafter. The bill also specifies an increase in the base amount of the death benefits for certain entitled recipients depending on the dates of death of the injured employees.

Furthermore, Assembly Bill No. 370 authorizes a refund through the Fund for Workers' Compensation and Safety to an insurer who pays an increase in certain death benefits to an entitled recipient because of a death that occurred before July 1, 2019. The bill also authorizes assessments against insurers to provide the additional money to finance the annual increases in death benefits.

SENATOR SETTELMEYER:

I had opposed this bill in Committee; however, I received additional information from the Director. There are four categories of insurers in this: private companies, self-insured, the Association of Self-insured and other, which is the State of Nevada. If this means the COLA goes up for those individuals only in that group, I have no objections to the bill if that is correct.

SENATOR DONDERO LOOP:

You are correct in those assumptions.

Roll call on Assembly Bill No. 370:

YEAS—21.

NAYS—None.

Assembly Bill No. 370 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 385 requires the Director of the Governor's Office of Economic Development to meet at least once per calendar quarter with the Southern Nevada Enterprise Community Board to collaborate and discuss strategies and methods for economic development within the Community and its surrounding areas.

The Southern Nevada Enterprise Community Board is additionally required to communicate to the Governor's Office of Economic Development projects within the Community that are recommended to receive abatements or other incentives offered by the Office, as well as recommendations for any legislative action concerning economic development incentives that would enable such incentives to be provided to businesses within the Community and its surrounding areas.

Roll call on Assembly Bill No. 385:

YEAS—21.

NAYS—None.

Assembly Bill No. 385 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 387.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 387 requires the Director of the Department of Health and Human Services to establish a task force to develop programs to prevent the relinquishment of custody of children to an agency that provides child-welfare services or the voluntary placement of children with a public or private agency solely to allow the children to receive services to address a mental illness or emotional disturbance. The bill requires the task force to adopt procedures for conducting reviews and arranging for services under the program; increasing the availability of certain services, and providing outreach and education to parents and providers of mental health services concerning the program.

The Director is required to establish one or more clinical teams to review the cases of certain children who are at risk of the relinquishment of custody to an agency that provides child-welfare services or the voluntary placement with a public or private agency solely to receive services for a mental illness or emotional disturbance. The clinical team is required to develop a plan of care for each such child and arrange for the provisions of certain services.

Finally, the bill requires each child-welfare agency to annually report to the Department certain information concerning the relinquishment of children to the agency and requires the Department to submit an annual report to the Legislature that contains certain information concerning such relinquishment and the effectiveness of the program.

Roll call on Assembly Bill No. 387:

YEAS—21.

NAYS—None.

Assembly Bill No. 387 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 398.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 398 exempts a wholesale lender who only funds or purchases commercial mortgage loans from obtaining a license by the Commissioner of Mortgage Lending.

Roll call on Assembly Bill No. 398:

YEAS—21.

NAYS—None.

Assembly Bill No. 398 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 403.

Bill read third time.

Remarks by Senator Washington.

Assembly Bill No. 403 relates to traffic offenses. Assembly Bill No. 403 provides that certain traffic laws may apply in places other than a State highway if provided by a specific statute. This bill explicitly provides that reckless driving and vehicular manslaughter apply on premises to which the public has access, including, without limitation, parking lots, parking garages and other roads or ways that provide access to places of business, apartment buildings, mobile home parks and gated residential communities.

Roll call on Assembly Bill No. 403:

YEAS—21.

NAYS—None.

Assembly Bill No. 403 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 404.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 404 authorizes the Board of Wildlife Commissioners to adopt regulations establishing a program whereby a person who qualifies for an extenuating circumstance, such as an illness or injury, may transfer his or her tag to hunt a big game mammals to another individual, also, defer use of the tag to the next hunting season or return the tag to Nevada's Department of Wildlife for restoration of any bonus points used by the person to obtain the tag.

Roll call on Assembly Bill No. 404:

YEAS—21.

NAYS—None.

Assembly Bill No. 404 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 406.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 406 makes various changes to the Airport Authority Act for Carson City, including, but not limited to, authorizing a member to serve not more than two consecutive terms and allows reappointment after a lapse of four years; removing the requirement that the Board of Trustees of the Authority obtain the approval of the Carson City Board of Supervisors to acquire real property by lease and to acquire personal property by purchase or lease, and removing the authority of the Board of Trustees to provide emergency services for the Authority. Finally, the bill clarifies the types of agreements into which the Board of Trustees and the Board of Supervisors may enter.

Roll call on Assembly Bill No. 406:

YEAS—21.

NAYS—None.

Assembly Bill No. 406 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 410.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 410 extends, from 30 days to 45 days, the period of time that a temporary order for protection against domestic violence or stalking, aggravated stalking or harassment is initially valid.

Roll call on Assembly Bill No. 410:

YEAS—21.

NAYS—None.

Assembly Bill No. 410 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 413.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 413 provides that if a governing body fails to consider the potential impact on business before taking action to adopt a proposed rule, the action taken by the governing body is void. The bill requires a local government to consider the business impact statement at a public meeting held at least ten calendar days before a meeting to adopt a proposed rule. Further, the bill authorizes a business to file a petition objecting to a rule on the grounds that the governing body of a local government failed to consider the potential impact on business before adopting the rule. Finally, the governing body may take action to readopt the rule after considering the potential impact on business.

Roll call on Assembly Bill No. 413:

YEAS—21.

NAYS—None.

Assembly Bill No. 413 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 427.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 427 prohibits the Board of Regents from assessing tuition charges against veterans of the Armed Forces of the United States who have been awarded the Purple Heart. The bill also provides for a waiver of fees assessed by the Board for such veterans to the extent the fees exceed the amount of any federal educational benefits to which a veteran is entitled.

Roll call on Assembly Bill No. 427:

YEAS—21.

NAYS—None.

Assembly Bill No. 427 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 429.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 429 allows the Board of Regents to grant a waiver of not less than half of the total registration and other fees for a veteran who is a State resident, if he or she has completed a bachelor's degree and is enrolled in, or plans to enroll in, certain graduate degree programs. Eligible programs include those designated as critical need occupations by Nevada's Department of Employment, Training and Rehabilitation in the fields of science, technology, engineering, arts, mathematics or health science.

Roll call on Assembly Bill No. 429:

YEAS—21.

NAYS—None.

Assembly Bill No. 429 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 430.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 430 requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study during the 2019-2020 Interim concerning maternal, infant and early childhood home-visitation services.

Roll call on Assembly Bill No. 430:

YEAS—21.

NAYS—None.

Assembly Bill No. 430 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 431.

Bill read third time.

Remarks by Senators Scheible, Hansen, Pickard, Ohrenschall, Cannizzaro, Goicoechea and Settlemeyer.

SENATOR SCHEIBLE:

I am proud to rise in support of Assembly Bill No. 431. It is an important voting rights measure that maintains the right to vote for a person who has been convicted of a crime but who is not in prison, and it immediately restores the right to vote to a person who has been released from prison. Furthermore, the measure provides for the restoration of the right to vote to certain residents of this State who have not had their right to vote restored and are not serving a sentence of imprisonment on July 1, 2019, and who, before July 1, 2019, were discharged from probation or parole or released from prison after serving their sentences. Finally, the bill removes the requirement that the county clerk cancel the registration of a person who has been convicted of a felony and is not currently serving a term of imprisonment, and it authorizes an elector who was convicted of a felony to reregister to vote if the elector is not incarcerated.

SENATOR HANSEN:

Nevada law allows felons who have not been convicted of a violent act to vote upon completion of parole. It is important for this Body to understand who we are talking about when we change this law. Upon completion of parole, a person who is a category A or B felon can apply to the Parole Board and have the right to vote restored. Some of these people, however, are the most violent people in our society. Some have suggested these people will never be able to get out on parole, but the reality is, in the cases I am about to read, they will or can be paroled.

I will begin with murder. If you murder someone, you have permanently taken away that person's right to vote. The idea we would restore the right to vote to a person having done that is questionable. Sexual assault with substantial bodily harm is another category, as is sexual assault of a victim under the age of 16. Other crimes include things such as sexual assault of a victim under the age of 14; child abuse or neglect so severe it causes a child less than 14 to suffer unjustifiable physical pain or mental suffering resulting in substantial bodily or mental harm; child pornography related to children under the age of 14; child pornography related to children over the age of 14; promoting child pornography; incest; lewdness with a child under 14 years of age; mutilation of the genitalia of female children; neglecting or permitting older people or vulnerable people to suffer by persons with legal responsibilities resulting in substantial bodily or mental harm or death; acts of terrorism; crimes involving weapons of mass destruction; being a habitual

criminal with current convictions for a felony plus three prior felonies; being a habitual felon with current convictions for violent felonies plus two prior violent felonies; and felony for battery constituting domestic violence, second and subsequent offense. How often have we discussed in Committees that rape and domestic abuse scars the victims for life? We now want to make sure that even 20 years later these types of crimes can be prosecuted, yet with this bill, we want to automatically grant the right to vote upon completion of their parole to people who were convicted and prosecuted of these terrible crimes. We have category A and B felonies for a reason. These are the most violent people in our society, and we should not act like this is a simple restoration of a civil right that has been unfairly denied.

We have a process in place. If a person has been shown to be a good and substantial citizen, upon completion of parole, they can go to a judge and have this right restored. The idea this should be automatic for people who have committed the most heinous crimes on children, women and senior citizens just blows my mind. I urge my colleagues, in the interest of justice for the victims who have been horribly treated by these sorts of individuals, to not automatically restore these rights. It is more appropriate to allow them, upon completion of parole, to apply to a judge and allow the judge, after reviewing the facts of their life after release, to determine whether they should regain the civil right of voting. Think about the victims and other people who have suffered their entire lives who would see perpetrators now having the right to vote as we hail it as a great civil right being restored to them. It is disgraceful. I urge my colleagues to vote "no" on Assembly Bill No. 431.

SENATOR PICKARD:

I believe in second chances. I believe people have the ability, and we should encourage their ability to right the wrongs in their lives and to respond, recover and do the things necessary to re-enter society. We have heard talk over the last several Sessions about how category B felonies include nonviolent felons and things that do not appear to be as serious as others. This has become a catchall for felonies into which people often fall. We also heard presentations on how we need to reform our felony penalties and how we sometimes capture good people in them.

This bill restores rights to people who have not necessarily proven they deserve an automatic second chance. If they have completed probation or parole successfully, that is a demonstration they want to re-enter society as a full member. This bill does not distinguish between those who have been discharged honorably and those who have not. It automatically restores rights to people who have proven they are not willing to abide by society's rules. We hear about how these people have paid their debt to society, and yet, one of those debts was to lose the right to vote. This bill would hand it back without any demonstration they have shown the willingness or ability to re-enter society successfully. I object to this.

We objected to this last Session when we heard Assembly Bill 181. On agreement, we ultimately pulled these most serious of felons out of that bill and left them to have to go through a process to demonstrate their willingness to re-enter society on a civil and just basis. I voted for Assembly Bill 181 last Session because those who do not have felonies of the serious nature we are discussing today should have this civil right restored. We should, at least, require them to demonstrate a willingness to abide by the social contract we all abide by, and this bill undermines that. I urge my colleagues to vote "no" on Assembly Bill No. 431.

SENATOR SCHEIBLE:

This bill is not about second chances. This bill is about people's constitutional right to vote. To suggest that right is earned is misplaced and mischaracterizes the founding of our Country and our State. The right to vote is not a privilege; it is not earned. We do not demonstrate that we are worthy of casting a ballot. There have been centuries and generations of Supreme Court case law and statutes throughout this Country to reinforce the idea. Things such as getting rid of poll taxes and voter examinations, because voting is not a privilege; it is a right. Everybody who has that right should be able to exercise it. This is why I want to be clear about what it means to be on parole.

The members of this Body may not work with people who are on parole on a regular basis. There is a difference from being out of jail, being out of prison, being granted parole and being discharged from parole. Suppose there is an individual who has been accused, charged and convicted of murder and they are given a reasonable sentence, a sentence that is actually likely to

happen in our State, such as 15 years to life in prison. This means when they go to prison, they will serve at least 15 years in that prison before they are eligible for parole. If they are granted parole after those 15 years, they are released from prison, and they go back home. They are still on parole. This bill does not cover those people. If a person is still serving a sentence of parole, his or her right to vote is not restored. When one is sentenced to a crime with a life sentence, that means if they get out of prison, parole kicks in, and the parole remains for the rest of that individual's life until they finish out the sentence. This bill only applies if the sentence you were handed down ends at some time, in 15 years, in 20 years, in 40 years, if a person is charged with and convicted of murder and they are not sentenced to life in prison but sentenced instead to 20 to 50 years, they might be granted parole after those 20 years. They then reenter society but are still on parole until the end of that 50-year sentence. It is not until the end of that top edge of the sentence, be it 50 years or whatever the top number was that the judge sent down, when the bill kicks in, and the person is able to vote again.

If we believe there are people in this State who should be able to get out of prison, serve their time on parole, finish their life sentence on parole, finish their 50 years on parole or finish their 75 years on parole, and if one of those people exists in this community who has completed parole, that person's right to vote needs to be restored. We are not talking about restoring it the moment they step out of the prison gates; we are talking about the moment their complete sentence has been served. Anyone who has completed a sentence and is no longer under the jurisdiction or in the custody of the State is a citizen of this State and a full participating member of our democracy. To deprive them of the right to vote is an injustice.

SENATOR OHRENSCHALL:

I rise in support of Assembly Bill No. 431. There was testimony from Fair Election Center, among others. Some of the testimony they brought forward was we want people who have been incarcerated or served time to try and reintegrate into society and succeed. We are hoping they will find gainful employment and be reunited with the families from whom they have been separated for so long. Another step into getting back into society and not making the same mistakes is being able to participate in our democracy. It is something that will help and will help people who have made mistakes in their lives become more invested in our community and not make those mistakes again. I urge its passage.

SENATOR CANNIZZARO:

There has been a lot of talk about the kinds of felonies that would be covered under this bill and the types of individuals that may fall within the provisions of it. One of the things I know and am familiar with, as a result of my own exposure in the criminal justice system and working in it for some period of time, is the list of felonies which were referenced by my colleague which included things like murder or lewdness with a child under the age of 14 or committing acts of terrorisms or any of the other ones that have been mentioned, those crimes are not probationable.

Individuals who may or may not actually fall within the provisions of this bill would have to serve their sentence, which in most of those cases is a life sentence or life after a substantial period of time to include upwards of 25 years to life. That is assuming they would make their first parole, which would be a process by which they would go through the Parole Board to do. The idea that this bill is going to give substantial rights to individuals who have severely harmed people in our community is a misstatement of what it does. Those individuals, by a practicable operation of the law, would not be on probation and would be serving a substantial sentence before they would even possibly be eligible for coverage under this bill. This bill is not something that gives rights to individuals who should not deserve it.

I am not someone who is soft on crime and criminals; that is not the case. This bill covers individuals who have committed felonies that are probational such as theft and grand larceny so they would not have to go through a paper process in order to restore their right to vote. That process is an administrative burden we can eliminate for these people. We have talked about ways in which we can restore hope in our society and ways we can encourage individuals to be part of society rather than to seek to recidivate and to continue to commit felonies. The idea this somehow gives rights only to dangerous offenders is inaccurate. The idea we would deny the right to vote because of an administrative hurdle for those who are not committing violent felonies, is right policy at the right time. I urge your support.

SENATOR GOICOECHEA:

Does this only restore the right to vote, not all rights, such as the right to possess a firearm?

SENATOR SCHEIBLE:

Possession of a firearm is a different issue. There is a federal statute that prohibits a person with a felony conviction from owning a firearm. It is not necessarily that the person does not have the right to own one, but it is a crime if a person with a felony does possess a firearm. That is federal law, and we are in no position to change it.

SENATOR SETTELMEYER:

I appreciate the discussion and the debate today. I think about a friend of mine's sister who was killed by vehicular manslaughter by a person driving under the influence. That person is out; he has been paroled, and everything has been done. I think he should have to earn his rights back. The reality is murder victims will never get to vote, so a murderer should not be allowed to vote.

Roll call on Assembly Bill No. 431:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Assembly Bill No. 431 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 432.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 432 establishes worker-cooperative corporations in Nevada. The bill provides that a private corporation may elect to be governed as a worker-cooperative corporation and establishes various requirements of articles of incorporation or bylaws that such a corporation must implement. The bill also authorizes a worker-cooperative corporation to act as an internal capital-account cooperative and allows the corporation to set up various accounts. A corporation may declare patronage dividends from net earnings and issue membership shares and other capital stock. Finally, the bill sets forth procedures on how a corporation may revoke its election to be governed as a worker-cooperative corporation as well as provisions that allow the merger with another worker-cooperative corporation, under certain circumstances.

Roll call on Assembly Bill No. 432:

YEAS—21.

NAYS—None.

Assembly Bill No. 432 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 448.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 448 revises procedures for filling a vacancy in a legislative office. The board of county commissioners of the county in which all or a portion of a legislative district is located must prescribe a process by which a person may apply with the board to fill the vacancy.

An applicant must file a declaration of eligibility affirming that the individual meets residency requirements. The applicant must meet the qualifications for office, file an application according to the process established by the county commissioners and be a member of the same political party as the former legislator and meet residency requirements.

Roll call on Assembly Bill No. 448:

YEAS—21.

NAYS—None.

Assembly Bill No. 448 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 450.

Bill read third time.

Senator Ratti moved that the bill be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Assembly Bills Nos. 230, 462, 465, 472, 478, 488, 490; Assembly Joint Resolutions Nos. 3, 4, 6, 7, 8 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 291.

The following Assembly amendment was read:

Amendment No. 689.

JOINT SPONSOR: ASSEMBLYWOMAN GORELOW

SUMMARY—Revises provisions governing the testing of infants for preventable or inheritable disorders. (BDR 40-111)

AN ACT relating to public health; requiring the testing of infants for certain preventable or inheritable disorders; requiring the State Public Health Laboratory to report during a hearing about the reasons for any increased charges for performing such tests; repealing a provision requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a contract for the provision of certain services of a laboratory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health, upon the recommendation of the Chief Medical Officer, to adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders. (NRS 442.008) Section 1 of this bill generally requires testing for each disorder recommended by the Health Resources and Services Administration of the United States Department of Health and Human Services by not later than 4 years after the recommendation is made. Section 1 authorizes the exclusion of such a disorder from the required testing upon a request by the Chief Medical Officer or the person in charge of the State Public Health Laboratory based on: (1) insufficient funding to conduct testing for the disorder; or (2) insufficient resources to address the results of the examination

and test. Section 1 additionally requires any required examinations and tests that must be performed by a laboratory to be sent to the State Public Health Laboratory. If the State Public Health Laboratory increases the amount charged for such examinations and tests, section 1 requires the Division of Public and Behavioral Health of the Department of Health and Human Services to hold a hearing during which the State Public Health Laboratory must provide a written and verbal fiscal analysis of the reasons for the increased charges.

Under existing law, if the State Board of Health requires the Division to provide the services of a laboratory for the required testing of infants for preventable and inheritable disorders, the Division is required to contract with the State Public Health Laboratory unless: (1) the State Public Health Laboratory is not capable of performing all of the required tests; or (2) the cost to the Division to contract with the State Public Health Laboratory is not financially reasonable or exceeds the amount of money available for that purpose. (NRS 442.009) Section 2 of this bill repeals this provision.

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

Section 1. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health ~~[, upon the recommendation of the Chief Medical Officer:~~

~~—(a) Shall~~ shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell anemia . ~~}; and~~

~~—(b) May require the Division to provide for the services of a laboratory in accordance with NRS 442.009 to determine the presence of certain preventable or inheritable disorders in an infant pursuant to this section.]~~

2. *Except as otherwise provided in this subsection, the examinations and tests required pursuant to subsection 1 must include tests and examinations for each disorder recommended to be screened by the Health Resources and Services Administration of the United States Department of Health and Human Services by not later than 4 years after the recommendation is published. The State Board may exclude any such disorder upon request of the Chief Medical Officer or the person in charge of the State Public Health Laboratory based on:*

- (a) *Insufficient funding to conduct testing for the disorder; or*
- (b) *Insufficient resources to address the results of the examination and test.*

3. *Any examination or test required by the regulations adopted pursuant to subsection 1 which must be performed by a laboratory must be sent to the State Public Health Laboratory. If the State Public Health Laboratory increases the amount charged for performing such an, examination or test pursuant to NRS 439.240, the Division shall hold a public hearing during which the State Public Health Laboratory shall provide to the Division a written and verbal fiscal analysis of the reasons for the increased charges.*

4. Any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the mother of any infant, at childbirth shall ~~make~~ :

(a) *Make* or cause to be made an examination of the infant, including standard tests ~~to~~ that do not require laboratory services, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such *preventable or inheritable* disorders.

(b) *Collect and send to the State Public Health Laboratory or cause to be collected and sent to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory and are required by the regulations adopted pursuant to subsection 1.*

~~3~~ 5. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

~~4~~ 6. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

Sec. 2. NRS 442.009 is hereby repealed.

Sec. 3. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

TEXT OF REPEALED SECTION

442.009 Examination of infants: Priority in contracting with laboratory.

1. Except as otherwise provided in this section, if the State Board of Health requires the Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008, the Division shall contract with a laboratory in the following order of priority:

(a) The State Public Health Laboratory;

(b) Any other qualified laboratory located within this State; or

(c) Any qualified laboratory located outside of this State.

2. The Division shall not contract with a laboratory in a lower category of priority unless the Division determines that:

(a) A laboratory in a higher category of priority is not capable of performing all the tests required to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008; or

(b) The cost to the Division to contract with a laboratory in a higher category of priority is not financially reasonable or exceeds the amount of money available for that purpose.

3. For the purpose of determining the category of priority of a laboratory only, the Division is not required to comply with any requirement of competitive bidding or other restriction imposed on the procedure for awarding a contract.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 689 to Senate Bill No. 291.

Remarks by Senator Ratti.

Amendment No. 689 to Senate Bill No. 291 adds Assemblywoman Gorelow as a sponsor.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 41, 226, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 102.

Bill read second time and ordered to third reading.

Assembly Bill No. 443.

Bill read second time.

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

Amendment No. 792.

SUMMARY—Revises provisions relating to ~~the Clark County Sales and Use Tax Act of 2005,~~ taxes on retail sales. (BDR S-1128)

AN ACT relating to taxation; revising provisions governing the contents of the periodic reports on the use of the proceeds ~~of the sales and use tax~~ from ~~the taxes~~ imposed pursuant to the Clark County Sales and Use Tax Act of 2005 ~~and the Clark County Crime Prevention Act of 2016;~~ removing the prospective expiration of the Clark County Sales and Use Tax Act of 2005 ~~and amendments and other provisions relating thereto;~~ providing ~~penalties;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department. (Clark County Sales and Use Tax Act of 2005) A police department is prohibited from spending the proceeds of the tax unless the expenditure has been approved by

a designated body and only if the use will not replace or supplant existing funding for the police department. (Section 13 of chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, p. 3158) ~~(The Act also requires)~~ Existing law also authorizes the Board of County Commissioners of Clark County to impose a sales and use tax to employ and equip additional police officers for the same police departments for which a tax is authorized by the Clark County Sales and Use Tax Act of 2005. (Clark County Crime Prevention Act of 2016, section 9 of chapter 1, Statutes of Nevada 2016, 30th Special Session, p. 5) Each of those Acts require that certain reports concerning expenditures ~~(pursuant to the Act)~~ from the proceeds of the taxes imposed be submitted to the Department of Taxation. (Section 13.5 of chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, p. 3160 ~~(Section)~~; section 13 of chapter 1, Statutes of Nevada 2016, 30th Special Session, p. 9) Sections 1 and 1.3 of this bill ~~(requires)~~ require that the reports also include information relating to expenditures for equipment and academies for training officers. ~~(Section 1 also provides)~~ Sections 1 and 1.3 also provide for a criminal penalty if a person knowingly provides or causes to be provided false or misleading information for such a report or includes or causes to be included such information in such a report.

The Clark County Sales and Use Tax Act of 2005 is set to expire on October 1, 2025. (Section 23 of chapter 249, Statutes of Nevada 2005, p. 917) ~~(Section)~~ Sections 1.5 -4 of this bill ~~(removes)~~ remove the prospective expiration of the Act ~~(,)~~ and amendments and other provisions relating thereto, thereby authorizing the imposition of such a tax in Clark County after October 1, 2025.

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

Section 1. Section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, at page 3160, is hereby amended to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this act shall submit to the Department the periodic reports required pursuant to this section and such other information relating to the provisions of this act as may be requested by the Department.

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Department and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this act. ~~{;}~~

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this act. ~~{;}~~

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers. ~~{; and}~~

(3) *The equipment purchased with the use of the proceeds from the sales and use tax imposed pursuant to this act, including, without limitation, computers, radios, firearms and holsters.*

(4) *Expenditures for each academy for training officers, including, without limitation, expenditures for equipment for persons attending the academy. The expenditures must be disaggregated based on the persons attending the academy, including, without limitation:*

(I) *Each person who did not successfully complete the academy; and*

(II) *Each person who was recently hired by a public safety agency who completed the academy.*

(5) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this act; and

(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department. ~~{; and}~~

(c) Any other information required to complete the form for the report.

4. The Department may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this act.

5. *A person shall not knowingly:*

(a) *Provide or cause to be provided false or misleading information to an entity that is required to submit a report pursuant to this section; or*

(b) *Include or cause to be included false or misleading information in the report required to be submitted pursuant to this section.*

6. *A person who violates subsection 5 is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 1.3. Section 13 of the Clark County Crime Prevention Act of 2016, being chapter 1, Statutes of Nevada 2016, 30th Special Session, at page 9, is hereby amended to read as follows:

Sec. 13. 1. A body designated pursuant to subsection 1 of section 12 of this act that approves an expenditure pursuant to section 12 of this act shall, for the relevant period, submit to the Department the reports required by this section, which must include, without limitation, the information required by this section and such other information relating to the administration of the provisions of this act as may be requested by the Department.

2. A body designated pursuant to subsection 1 of section 12 of this act shall submit the reports required by this section on or before:

(a) February 15, for the 3-month period ending on the immediately preceding December 31;

(b) May 15, for the 3-month period ending on the immediately preceding March 31;

(c) August 15, for the 3-month period ending on the immediately preceding June 30;

(d) November 15, for the 3-month period ending on the immediately preceding September 30; and

(e) August 15, for the 12-month period ending on the immediately preceding June 30.

3. Each report submitted pursuant to this section must be submitted on a form provided by the Department, which must be the same form as the form provided for the relevant report required by section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 545, Statutes of Nevada 2007, at page 3422, and amended ~~by chapter 497, Statutes of Nevada 2011, at page 3160,~~ from time to time thereafter, and must include, with respect to the period covered by the report:

(a) The total amount of the allocation received by the respective police department from the proceeds of the tax authorized by subsection 1 of section 9 of this act. ~~††~~

(b) A detailed description of the use of the money allocated to the police department, including, without limitation:

(1) The total expenditures made by the police department from the allocation. ~~††~~

(2) The total number of police officers hired by the respective police department, the number of those officers that are filling authorized, funded positions for new officers and demographic information regarding those officers reported in a manner consistent with the current policies of the respective police department concerning the reporting of such information. ~~† and †~~

(3) Any equipment purchased from the allocation, including, without limitation, computers, radios, firearms and holsters.

(4) Any expenditures made from the allocation for each academy for training officers, including, without limitation, any expenditures for equipment for persons attending the academy. The expenditures must be disaggregated based on the persons attending the academy, including, without limitation:

(I) Each person who did not successfully complete the academy;
and

(II) Each person who was recently hired by a public safety agency who completed the academy.

(5) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this act; and

(II) Does not replace or supplant funding or staffing levels, which existed before October 1, 2016, for the respective police department. ~~and~~

(c) An analysis of the manner in which each expenditure is being used to prevent crimes and the effectiveness of each expenditure in preventing crimes. ~~and~~

(d) Any other information required to complete the form of the report.

4. The Metropolitan Police Committee on Fiscal Affairs shall:

(a) Prepare and submit separate reports as required by this section for the expenditures approved from the allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraphs (a) and (b), respectively, of subsection 3 of section 9 of this act; and

(b) In addition to all other information required by this section, include in each report submitted pursuant to this section evidence that the expenditures from allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraph (a) of subsection 3 of section 9 of this act are not offsetting, supplanting, replacing or otherwise reducing the amount of money allocated to the Las Vegas Metropolitan Police Department pursuant to paragraph (b) of subsection 3 of section 9 of this act for expenditure on law enforcement and crime prevention in the resort corridor.

5. The Department may review and investigate the reports submitted pursuant to this section and any expenditure of any proceeds from the tax authorized by subsection 1 of section 9 of this act.

6. A person shall not knowingly:

(a) Provide or cause to be provided false or misleading information to an entity that is required to submit a report pursuant to this section;

or

(b) Include or cause to be included false or misleading information in the report required to be submitted pursuant to this section.

7. A person who violates subsection 6 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 1.5. Section 23 of chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:

Sec. 23. ~~1.~~ This act becomes effective:

~~(a)~~ 1. Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~(b)~~ 2. On October 1, 2005, for all other purposes.

~~[2. This act expires by limitation on October 1, 2025.]~~

Sec. 2. Section 23 of chapter 545, Statutes of Nevada 2007, at page 3428, is hereby amended to read as follows:

Sec. 23. 1. This section and sections 3 to 22, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 1 and 2 of this act become effective on October 1, 2007 ~~, and expire by limitation on October 1, 2025.~~

3. Sections 3 to 22, inclusive, of this act expire by limitation on October 1, 2027.

Sec. 3. Section 28 of chapter 387, Statutes of Nevada 2009, at page 2104, is hereby amended to read as follows:

Sec. 28. 1. This section and sections 4, 18 and 27 of this act become effective upon passage and approval.

2. Sections 2, 3, 5, 6, 7, 9, 11 to 16, inclusive, and 19 to 26, inclusive, of this act become effective on July 1, 2009.

3. Section 17 of this act becomes effective on July 1, 2011.

4. ~~[Section 20 of this act expires by limitation on September 30, 2025.]~~

~~5.~~ Section 25 of this act expires by limitation on September 30, 2027.

~~6.~~ 5. Sections 7 and 9 of this act expire by limitation on September 30, 2029.

~~7.~~ 6. Sections 8 and 10 of this act become effective on October 1, 2029.

Sec. 4. Section 4 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:

Sec. 4. This act becomes effective upon passage and approval ~~, and expires by limitation on October 1, 2025.~~

Sec. 5. The provisions of section 1 of this act, which amend the Clark County Sales and Use Tax Act of 2005, and the provisions of section 1.3 of this act, which amend the Clark County Crime Prevention Act of 2016, apply to:

1. Each report that must be submitted to the Department of Taxation on or before:

(a) August 15, 2019, for the 3-month period ending on the immediately preceding June 30; and

(b) August 15, 2019, for the 12-month period ending on the immediately preceding June 30.

2. Each report that must be submitted to the Department of Taxation thereafter.

Sec. 6. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 792 to Assembly Bill No. 443 makes the following technical amendments required by the Legal Division of the Legislative Counsel Bureau to enact the provisions of the bill. First, the Clark County Crime Prevention Act of 2016 is amended to include the same provisions that are being added to the Clark County Crime Prevention Act of 2005 pursuant to section 1 of the bill regarding the additional reporting requirements and felony provisions for knowingly providing false information related to those reports. Second, the amendment removes the prospective expiration date of the Clark County Sales and Use Tax Act of 2005 from various provisions of the *Statutes of Nevada* which were not previously identified during drafting of the bill. Finally, the amendment clarifies that the provisions of sections 1 and 1.3 of the bill, establishing the additional reporting requirements and felony provisions for knowingly providing false information related to those reports, apply on a prospective basis beginning with the reports that must be submitted to the Department of Taxation on August 15, 2019.

Amendment adopted.

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

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 727.

SUMMARY—Revises provisions governing the fictitious address program for victims of certain crimes. (BDR 16-418)

AN ACT relating to victims of crime; requiring additional entities to accept fictitious addresses from certain victims of crime; prohibiting the maintenance, use and disclosure of certain identifying information of such victims by the additional entities except under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Child and Family Services of the Department of Health and Human Services to issue a fictitious address to an adult person, a parent or guardian acting on behalf of a child or a guardian acting on behalf of an incapacitated person who has been a victim of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address. (NRS 217.462-217.471) Existing law also prohibits the Division from disclosing the name, the confidential address or fictitious address of a participant, except in certain circumstances. (NRS 217.464) Section 1 of this bill requires a governmental entity or provider of a utility service in this State to allow the use of a fictitious address upon the request of a participant who has received a fictitious address issued by the

Division. Section 1 also prohibits such entities from disclosing the same information prohibited from disclosure by the Division and expands the protected information to include the telephone number and image of the person with the fictitious address. Additionally, section 1 sets forth the circumstances under which such entities may maintain, use and disclose the confidential address of a participant.

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

Section 1. NRS 217.464 is hereby amended to read as follows:

217.464 1. If the Division approves an application, the Division shall:

(a) Designate a fictitious address for the participant; and

(b) Forward mail that the Division receives for a participant to the participant.

2. *Upon request of a participant, a governmental entity or provider of a utility service in this State to which the participant is required to provide an address shall allow the participant to use the fictitious address issued by the Division. A governmental entity or provider of a utility service who receives a request pursuant to this subsection shall not maintain a record of the confidential address of the participant, unless:*

(a) *The governmental entity or provider of a utility service is required to maintain the confidential address of the participant by federal, state or local law; or*

(b) *The provision of service by a provider of a utility service is impossible without maintaining the confidential address of the participant.*

↪ If a governmental entity or provider of a utility service maintains a record of the confidential address of a participant pursuant to paragraph (a) or (b), the governmental entity or provider of a utility service must maintain and use the confidential address of the participant only to the extent as required by federal, state or local law or as necessary to provide a utility service.

3. The Division , governmental entity or provider of a utility service to which a participant provides a fictitious address pursuant to this section shall not make any records containing the name, telephone number, confidential address , ~~or~~ fictitious address or image of ~~the~~ participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Division ~~, governmental entity or provider of a utility service~~ shall make the address available to the law enforcement agency; ~~or~~

(b) The Division , governmental entity or provider of a utility service is directed to do so by lawful order of a court of competent jurisdiction, in which case the Division , governmental entity or provider of a utility service shall make the address available to the person identified in the order ~~;~~

~~3.1~~ ; or

(c) The Division, governmental entity or provider of a utility service is required to do so by federal or state law.

__4. If a pupil is attending or wishes to attend a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Division shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Division shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

5. As used in this section, "governmental entity" means any:

(a) Institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision of this State; and

(b) Incorporated city, county, unincorporated town, township, school district or other public district or agency designed to perform local governmental functions.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 727 to Assembly Bill No. 41 adds language allowing the Division of Child and Family Services or a governmental entity or provider of utility services to share a person's actual address pursuant to federal law or State law.

Amendment adopted.

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

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 767.

SUMMARY—Prohibits ~~any person~~ certain entities or persons from requiring ~~for authorizing~~ another person to undergo implantation of a microchip or other permanent identification marker under certain circumstances. (BDR 15-25)

AN ACT relating to crimes; prohibiting ~~any person~~ certain entities or persons from requiring ~~for authorizing~~ another person to undergo implantation of a microchip or other permanent identification marker; ~~under certain circumstances;~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits the following entities or persons from requiring another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature: (1) an officer or employee of this State or any political subdivision thereof ~~for any other person from:~~ ~~(1) requiring another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature;~~ (2) establishing a

~~program that authorizes a person to voluntarily elect to undergo the implantation of such a microchip or permanent identification marker; or (3) participating in a program established by another person, if the program authorizes a person to voluntarily elect to undergo the implantation of such a microchip or permanent identification marker.~~; (2) an employer who requires such an implant as a condition of employment; (3) a person licensed to sell or provide insurance; or (4) a person licensed to participate in a business related to bail. This bill also defines "microchip" and "voluntarily" for the purposes of this bill.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1. An officer or employee of this State or any political subdivision thereof or any other person shall not:~~

~~(a) Require. It is unlawful for any entity or person described in paragraphs (a) to (d), inclusive, to require another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature.~~

~~(b) Establish a program that authorizes a person to voluntarily elect to undergo the implantation of a microchip or other permanent identification marker of any kind or nature; or~~

~~(c) Participate in a program established by another person, if the program authorizes a person to voluntarily elect.~~

(a) An officer or employee of this State or any political subdivision thereof;

(b) An employer as a condition of employment;

(c) A person licensed to sell or provide insurance pursuant to title 57 of NRS; or

(d) A person licensed to participate in a business related to bail pursuant to chapter 697 of NRS.

2. The provisions of this section shall not be construed to prohibit a natural person from voluntarily electing to undergo the implantation of a microchip or other permanent identification marker of any kind or nature.

~~2.3.~~ 3. A person who violates the provisions of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~3.4.~~ 4. As used in this section:

(a) "Microchip" means a device that is subcutaneously implanted in a person and that is passively or actively capable of transmitting personal information to another device using radio frequency technology.

~~(b) The term does not include a device that is subcutaneously implanted in a person if the device:~~

(1) ~~Is incapable of passively or actively transmitting personal information to another device using radio frequency technology; and the device~~

~~(1) Is used for the purpose of self expression; or~~

~~(II) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; or~~

(2) Is capable of passively or actively transmitting personal information to another device using radio frequency technology and the device:

(I) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; and

(II) Only transmits such information as is necessary to carry out the diagnosis, monitoring, treatment or prevention of the health condition ~~that~~; or

(3) Is any type of hearing aid or hearing implant device.

(b) "Voluntarily" means without an incentive or other inducement.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 767 to Assembly Bill No. 226 removes a blanket prohibition on the implantation of a microchip and instead provides that person may choose to implant a microchip voluntarily and defines the term voluntarily. Prohibition on requiring implantation of a microchip now applies to an officer or an employee of this State or any political subdivision thereof, an employer as a condition of employment, a licensed insurance seller or provider, and a person licensed in a business related to bail. The amendment also clarifies that the prohibition does not apply to hearing-aid-related implants.

Amendment adopted.

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

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 774.

SUMMARY—Revises provisions relating to construction. (BDR 54-1108)

AN ACT relating to construction; requiring a licensee who builds a new, single-family residence to provide to the purchaser of the residence a disclosure containing certain information and a builder's warranty that meets certain criteria; revising provisions relating to the acts or omissions that constitute cause for disciplinary action by the State Contractors' Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain acts or omissions constitute cause for disciplinary action by the State Contractors' Board. (NRS 624.301, 624.3016) Section 1 of this bill requires a licensee who builds a new, single-family residence to provide to the purchaser of the new residence a disclosure containing certain information and a builder's warranty that meets certain criteria. Section 1.7 of this bill provides that the failure of a licensee to ~~comply with~~ provide a builder's warranty as required by section 1, to respond reasonably to a claim made under the builder's warranty or to comply with the requirement to notify an owner about the Residential Construction Recovery Fund constitutes cause for disciplinary action by the Board. Section 1.3 of this bill revises the elements of certain acts that constitute cause for such disciplinary action by the Board.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee who completes construction of a new, single-family residence shall provide to the purchaser of the residence:

(a) A separate, single-page disclosure describing the rights of the purchaser under this chapter, including, without limitation, the right to file a complaint pursuant to NRS 624.480 seeking recovery from the account established pursuant to NRS 624.470; and

(b) A builder's warranty that meets the requirements of this section.

2. A builder's warranty provided by a licensee pursuant to this section must:

(a) Be in writing.

(b) Be valid for a period of at least 1 year from the date of ~~fo~~occupancy of the residence by the purchaser of the residence or the date that title to the residence transfers to the purchaser, whichever is earlier, except that the period of validity of the builder's warranty must be extended beyond the 1-year period, if necessary, for any claim submitted to the licensee in writing during the 1-year period until the claim has been resolved or the item requiring repair has been reasonably repaired. For the purposes of this paragraph, "reasonably repaired" means repaired consistent with the performance standards set forth in the builder's warranty or, if there are no applicable performance standards set forth in the builder's warranty, commensurate with standards of the trade that are in general effect at the time of completion of construction. ~~]~~ completion of a written punch list. As used in this paragraph, "punch list" means a list of any materials or work describing incomplete or incorrect installations or incidental damage to existing finishes, material and structures that do not conform to the specifications of the contract or the requirements of subsection 1 of NRS 624.3017.

(c) Contain terms that include, without limitation, warranting all home systems, workmanship, materials, plumbing, electrical and mechanical systems, appliances installed by contractors, fixtures, equipment and structural components, unless a separate warranty is provided by the manufacturer or installer of such a product, component or system.

(d) Be transferable to a subsequent purchaser of the residence.

(e) Not be deemed, construed or interpreted to constitute a waiver or release of any other warranty from the licensee provided by contract or otherwise available under the laws of this State.

~~3. A licensee who fails to comply with this section:~~

~~(a) Commits an act or omission that constitutes cause for disciplinary action as provided in subsection 12 of NRS 624.3016;~~

~~(b) May be subject to a written administrative citation as provided in NRS 624.341; and~~

~~(c) If the failure arises out of being nonresponsive to a reasonable claim under the builder's warranty, in addition to any other disciplinary action imposed by the Board, may be ordered by the Board to reimburse the purchaser for any costs or expenses incurred by the purchaser for hiring another licensee to repair the item at issue or resolve the claim.~~

Sec. 1.3. NRS 624.301 is hereby amended to read as follows:

624.301 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Abandonment without legal excuse of any construction project or operation . ~~engaged in or undertaken by the licensee as a contractor.~~

2. Abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment, unless the contractor is entitled to retain the amount paid pursuant to the terms of the contract or the contractor refunds the excessive amount paid within 30 days after the abandonment of the project.

3. Failure in a material respect ~~on the part of a licensee~~ to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract.

4. ~~Willful failure~~ Failure or refusal without legal excuse ~~on the part of a licensee as a contractor~~ to prosecute a construction project or operation with reasonable diligence . ~~thereby causing material injury to another.~~

5. ~~Willful failure~~ Failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty . ~~thereby causing material injury to another.~~

Sec. 1.7. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245 , ~~or~~ 108.246 ~~or~~ 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

9. Failure to file a certified payroll report that is required for a contract for a public work.

10. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

11. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

12. ~~Failure to comply with~~ provide a builder's warranty as required by section 1 of this act ~~or~~ or to respond reasonably to a claim made under a builder's warranty.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro and Pickard.

SENATOR CANNIZZARO:

Amendment No. 774 to Assembly Bill No. 440 provides that a builder who fails to provide a warranty upon completion of a written punch list under the bill's provisions to respond reasonably to a complaint under such a warranty or to notify an owner about the Residential Construction Recovery Fund is subject to disciplinary action by the Contractors Board.

SENATOR PICKARD:

At the hearing on Assembly Bill No. 440 in the Senate Judiciary Committee, there were concerns raised over potential uncertainty as to when a punch list is considered complete. This concern seemed to be shared by many of the stakeholders. The testimony, which I believe was undisputed, was that the punch list is considered complete when one of two things happen, whichever happens first: one, a purchaser signs off on the punch list indicating that the work on the punch list has been resolved to their satisfaction; and, two, a contractor notifies the purchaser that all of the items on the punch list have been resolved. This is important to note because it prevents a potentially unlimited warranty period in the event a purchaser is nonresponsive or unreasonable. An unlimited warranty period runs contrary to industry standards as well as the one-year minimum warranty period included in this bill. This is equally important because it protects a purchaser against an unreasonable or nonresponsive contractor and allows an unsatisfied purchaser to seek recourse with the Contractors Board.

It is important to clarify this intent in order to provide certainty to both purchasers, contractors and, ultimately, to the Contractors Board who serves as the enforcement agency on warranty claims pursuant to this bill. With that understanding, I am in support of the bill and urge my colleagues to support it as well.

Amendment adopted.

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

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 24, 31, 34, 40, 54, 56, 75, 81, 100, 178, 199, 231, 392, 416; Assembly Bills Nos. 10, 17, 18, 23, 28, 34, 39, 52, 54, 58, 59, 93, 114, 122, 136, 152, 190, 195, 201, 204, 206, 212.

Senator Cannizzaro moved that the Senate adjourn until Thursday, May 23, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 2:26 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate